



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1329 Fax: (207) 439-6806

May 11, 2015

Council Chambers

Kittery Town Council  
Regular Meeting  
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes –4/27/15 Special Meeting 4/27/15 Regular Meeting
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARINGS
  - a. (050215-1) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled "Ordinance Approving Additional Local Funds for School Budget for Fiscal Year 2015-2016."
  - b. (050215-2) The Kittery Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled "Ordinance Approving School Budget for Fiscal Year 2015-2016."
  - c. (050215-3) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled "Ordinance Approving Transfer of Year-End Balances to Dedicated Accounts."
11. DISCUSSION
  - a. Discussion by members of the public (three minutes per person)
  - b. Response to public comment directed to a particular Councilor
  - c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

(050215-4) The Kittery Town Council moves to accept a donation in the amount of \$100 from Sharon McLaughlin for the Community Center and to deposit said funds in account #2063-43600.

b. (050215-5) The Kittery Town Council moves to approve a renewal application from Sonmat, Inc., 7 Wallingford Square, Unit 102, Kittery for a Malt, Spirituous and Vinous Liquor License for Anju Noodle Bar, 7 Wallingford Square, Unit 102.

c. (050215-6) The Kittery Town Council moves to approve a renewal application from Badger's Island Pizza LLC, 30 Remicks Lane, Kittery for a Malt and Vinous Liquor License for Badger's Island Pizza, 3 Island Ave.

d. (050215-7) The Kittery Town Council moves to approve a renewal application from Stella's Sweet Café LLC, 21 Chauncey Creek Road, Kittery Point for a Malt and Vinous Liquor License for Stella's Sweet Café, 1 Government Street, Suite 3.

e. (050215-8) The Kittery Town Council moves to approve a renewal application from Robert's Maine Grill LLC, 326 US Route 1, Kittery for a Malt, Spirituous and Vinous Liquor License for Robert's Maine Grill, 326 US Route 1.

f. (050215-9) The Kittery Town Council moves to approve a renewal application from WLH Management Corp., 149 Mendums Landing, Barrington, NH for a Malt, Spirituous and Vinous Liquor License for Warren's Lobster House, 11 Water Street.

g. (050215-10) The Kittery Town Council moves to approve a renewal application from Weathervane Seafoods, 31 Badger's Island West, Kittery for a Malt, Spirituous and Vinous Liquor License for Weathervane Seafoods, 31 Badger's Island West.

h. (050215-11) The Kittery Town Council moves to approve the disbursement warrants.

i. (050215-12) The Kittery Town Council moves to authorize the Kittery Block Party Committee to hang a banner across Rogers Road in front of the Community Center from June 8<sup>th</sup> to June 22<sup>nd</sup>, 2015 for the Kittery Block Party.

j. (050215-13) The Kittery Town Council moves to schedule a public hearing for the FY'16 Budget.

k. (050215-14) The Kittery Town Council moves to schedule a public hearing to receive comments on Town Meeting Articles 2 through 7 for the June 9<sup>th</sup> Election.

l. (050215-15) The Kittery Town Council moves to approve a request from Kittery/Eliot VFW Memorial Post 9394 to hold the Memorial Day Parade and Ceremonies on Sat., May 23<sup>rd</sup> beginning at 9:00 a.m. on Walker Street.

m. (050215-15) The Kittery Town Council moves to sign a resolution regarding Chapter 16.5 Building/Regulated Activity Permits relating to expired permits and renewal fees.

n. (050215-16) The Kittery Town Council moves to reconsider its vote on the ordainment of Title 4.2.3 Procedures F 1. of the Kittery Town Code.

o. (050215-17) The Kittery Town Council moves to schedule a public hearing pursuant to Section 6.11 (2) of the Town Charter to approve and ordain a 3-year waste handling agreement with EcoMaine.

p. (050215-18) The Kittery Town Council moves to authorize free Fort Foster passes for the crew and families of the USS Annapolis.

14. COUNCILOR ISSUES OR COMMENT

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: May 7, 2015

## APPROVED MINUTES

April 27, 2015

Kittery Town Council  
Special Meeting  
Requested by Jeffrey Thomson, Chair

Council Chambers

1. CALL TO ORDER: Chairperson Thomson called the meeting to order at 6:30 p.m.
2. INTRODUCTORY: Chairperson Thomson read the introductory.
3. PLEDGE OF ALLEGIANCE: Chairperson Thomson led those present in the Pledge of Allegiance.
4. ROLL CALL: Answering the roll were Councilors Frank Dennett, Charles Denault, Jeffrey Pelletier, Councilor Spiller, Councilor Kenneth Lemont, Vice Chairperson Russell White and Chairperson Jeffrey Thomson.
5. EXECUTIVE SESSION:

(030115-1) The Kittery Town Council moves to go into executive session in accordance with M.R.S. 36 §841 (2) (E) to consider an application for a hardship abatement due to poverty or infirmity.

**IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR PELLETIER TO GO INTO EXECUTIVE SESSION AT 6:31 P.M. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 7-0.**

**IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR WHITE TO COME OUT OF EXECUTIVE SESSION AT 6:52 P.M. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 7-0.**

**IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY VICE CHAIR WHITE TO GRANT THE ABATEMENT FOR THE 2013 TAXES IN THE AMOUNT OF \$1,047.20. ROLL CALL VOTE WAS TAKEN AND THE MOTION PASSED, 6-1 WITH COUNCILOR DENNETT VOTING IN OPPOSITION.**

6. ADJOURNMENT:

**IT WAS MOVED BY COUNCILOR PELLETIER AND SECONDED BY CHAIRPERSON THOMSON TO ADJOURN THE MEETING AT 6:53 P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.**

# UNAPPROVED MINUTES

## KITTERY TOWN COUNCIL

April 27, 2015

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Judy Spiller, Jeffrey Pelletier and Ken Lemont.

5. Agenda Amendment and Adoption –

Councilor Pelletier indicated that he would like to add a new item 13m to reconsider the vote on item 13G at that last meeting. The agenda was accepted as amended.

6. Town Manager's Report –

Town Manager Puff stated that MEDOT would be presenting an agreement which would reimburse Kittery for maintenance on state roads that did not meet the urban compact criteria.

Town Manager Puff noted that the John Paul Jones legislature had passed and would remain as a public park in perpetuity.

Town Manager Puff indicated that the visitors had arrived from Japan and they were hosting a dinner for them the following evening at the fire station.

Town Manager Puff noted relative to the Bowen Road right of way issue that they were working on a consent agreement with the Clainos' and it would be completed by the end of May.

Town Manager Puff indicated that the sewer extension project was underway on Route 236.

Town Manager Puff noted residents had been complaining about the lights, smoking and dogs at the Shapleigh School. She continued that the lights had been adjusted and the police were going to try to make residents more aware the no smoking and no dog policy.

## UNAPPROVED MINUTES

Town Manager Puff stated there had been an issue lately with an expired building permit. She continued the code stated that the permit could be renewed with a renewal fee but there was no fee listed. Town Manager Puff indicated that she had asked the planning department to look into changing the code.

Town Manager Puff indicated that she had received a handwritten note from a resident who had required 911 services and wanted everyone to know what fantastic service she had received.

Town Manager Puff noted that the order for the dangerous building had been served which gave the owner 30 days to remove the building. She continued, however, that it was still under the appeal deadline.

Town Manager Puff indicated that WILSSA had received a \$200,000 grant.

### 7. Acceptance of Previous Minutes –4/13/15

The minutes of 4/13/15 were accepted as amended.

### 8. Interviews for the Board of Appeals and Planning Board – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

### 10. PUBLIC HEARINGS -

a. (040315-1) The Kittery Town Council moves to hold a public hearing on an application from Kittery Hotels, Inc., 2 Gorges Road, Kittery, Maine for a Victualer's License for Ramada, 2 Gorges Road.

Chairperson Thomson noted this public hearing was advertised in the local, printed media on April 17<sup>th</sup>. Chairperson Thomson opened the public hearing and no response being heard closed the public hearing.

**COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM KITTERY HOTELS, INC., 2 GORGES ROAD, KITTERY, MAINE FOR A VICTUALER'S LICENSE FOR RAMADA, 2 GORGES ROAD, SECONDED BY COUNCILOR DENAULT.**

Chairperson Thomson expressed his concern that a number of J1 students had stayed at the Ramada the previous summer and that he had received a number of concerns that they students were not being paid and/or were being overcharged for rent. He continued he hoped the owner was aware of these issues and would not happen again.

UNAPPROVED MINUTES

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES.  
7/0.**

b. (040315-2) The Kittery Town Council moves to hold a public hearing in accordance with Section 6.09(4) of the Kittery Town Charter to transfer appropriations between account for union and non-union increases for salaries/wages and benefits.

Chairperson Thomson noted this public hearing was advertised in the local, printed media on April 17<sup>th</sup>. Chairperson Thomson opened the public hearing and no response being heard closed the public hearing.

**COUNCILOR WHITE MOVED TO APPROVE THE TRANSFER OF  
APPROPRIATIONS BETWEEN ACCOUNTS FOR UNION AND NON-UNION  
INCREASES FOR SALARIES/WAGES AND BENEFITS IN THE AMOUNT OF \$40,111,  
SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENAULT  
OPPOSED. MOTION PASSES 6/1.**

c. (040315-3) The Kittery Town Council moves to hold a public hearing on a proposed amendment to Title 5, Section 5.10.4 Applicability, of the Kittery Town Code.

Chairperson Thomson noted this public hearing was advertised in the local, printed media on April 17<sup>th</sup>. Chairperson Thomson opened the public hearing and no response being heard closed the public hearing.

**COUNCILOR WHITE MOVED THAT THE KITTERY TOWN COUNCIL  
HEREBY ORDAINS AN AMENDMENT TO TITLE 5, SECTION 5.10.4  
APPLICABILITY, OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR  
PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES  
7/0.**

d. (040315-4) The Kittery Town Council moves to hold a public hearing on proposed amendments to Title 4 Boards, Commissions and Committees, of the Kittery Town Code.

Chairperson Thomson noted this public hearing was advertised in the local, printed media on April 17<sup>th</sup>. Chairperson Thomson opened the public hearing.

Jim Forbes came to the podium and indicated that he thought the amendments were well done. He continued that he had some concern on who was supposed to appoint the shellfish warden.

## UNAPPROVED MINUTES

Milton Hall came to the podium and stated he thought that the Chair of the KPA should designate which planning board member should serve on the KPA. He continued that he also thought that resignations should not be accepted until a successor was appointed. Chairperson Thomson then closed the public hearing.

**COUNCILOR DENNETT MOVED TO APPROVE PROPOSED AMENDMENTS TO TITLE 4 BOARDS, COMMISSIONS AND COMMITTEES OF THE KITTELY TOWN CODE, SECONDED BY COUNCILOR PELLETIER.**

**COUNCILOR DENNETT MOVED TO AMEND LINE 382 TO INSERT THE WORD "CHAIR" BEFORE THE WORDS "BOARD AND APPOINTS", SECONDED BY COUNCILOR WHITE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

**A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH ALL IN FAVOR. MOTION PASSES 7/0.**

### 11. Discussion

#### a. Discussion by members of the public –

Ed Goodwin came to the podium and stated that he had a problem with what was going on in his backyard. He then gave an in depth background on the property and that a former two car garage was being turned into a three bedroom, two bathroom house. He continued he thought this was nonconforming and that there were now other buildings being built on the property. Mr. Goodwin stated that he thought setbacks were not being used appropriately and that Council needed to look at the situation.

#### b. Response from Chairperson –

Chairperson Thomson stated that he did not think that Council had any authority over the matter. Town Manager Puff noted that this situation was very complicated and that the code office believed they did the right thing in issuing the building permits. She continued that the time had expired to contest the permits and thought that the matter should go before the Zoning Board. Councilor White indicated that he would advise Mr. Goodwin to hire an attorney to get advice because it could be a legal matter and that Council could not do very much. Chairperson Thomson indicated that Council had no jurisdiction over the matter. Councilor Dennett asked to see a chronological set of documents as to what had happened on this property.

### 12. UNFINISHED BUSINESS – None

### 13. NEW BUSINESS



UNAPPROVED MINUTES

a. Donations/gifts received for Council disposition - None

b. (040315-5) The Kittery Town Council moves to hear a presentation from the Town Manager on the FY '16 Municipal Budget.

Town Manager Puff gave her presentation on the FY '16 municipal budget. She continued that there would be an increase in expenses of 1.7% because there was a 53<sup>rd</sup> pay week in 2016. Chairperson Thomson stated he thought that Council needed time to absorb the information that was presented and stated they would be having a workshop on May 18<sup>th</sup> at 6:00 P.M. on the issue. He encouraged Councilors to convey any questions or concerns to the Manager before the workshop.

c. (040315-6) The Kittery Town Council moves to approve the disbursement warrants.

**COUNCILOR PELLETIER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY CHAIRPERSON THOMSON, WITH ALL IN FAVOR. MOTION PASSES 7/0.**

d. (040315-7) The Kittery Town Council moves to authorize Boy Scout Troop 307 to use Fort Foster on May 8-10, 2015 for their annual camping trip.

**COUNCILOR SPILLER MOVED TO AUTHORIZE BOY SCOUT TROOP 307 TO USE FORT FOSTER ON MAY 8-10, 2015 FOR THEIR ANNUAL CAMPING TRIP, SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

e. (040315-8) The Kittery Town Council moves to approve a request from Tom Emerson, Kittery Odyssey of the Mind to hold a tag day fundraiser at the Resource Recovery Facility on May 9<sup>th</sup> from 9:00 A.M. to 3:00 P.M. to raise funds for their trip to the Odyssey of the Mind World Finals in East Lansing, MI.

**COUNCILOR SPILLER MOVED TO APPROVE A REQUEST FROM TOM EMERSON, KITTERY ODYSSEY OF THE MIND TO HOLD A TAG DAY FUNDRAISER AT THE RESOURCE RECOVERY FACILITY ON MAY 9<sup>TH</sup> FROM 9:00 A.M. TO 3:00 P.M. TO RAISE FUNDS FOR THEIR TRIP TO THE ODYSSEY OF THE MIND WORLD FINALS IN EAST LANSING, MI, SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

UNAPPROVED MINUTES

f. (040315-9) The Kittery Town Council moves to approve a renewal application from John Kenneth Reed, 139 Cass Street, Portsmouth, NH for a Malt, Spirituous and Vinous Liquor License for The Corner Pub, 4 Wallingford Square.

**COUNCILOR WHITE MOVED TO APPROVE A RENEWAL APPLICATION FROM JOHN KENNETH REED, 139 CASS STREET, PORTSMOUTH NH FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE CORNER PUB, 4 WALLINGFORD SQUARE, SECONDED BY COUNCILOR PELLETIER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

g. (040315-10) The Kittery Town Council moves to authorize the Kittery Community Market to hang two banners (1) at Post Office Square from May 28<sup>th</sup> – October 8<sup>th</sup>, 2015 and (1) over Rogers Road, in front of the Kittery Community Center from May 18<sup>th</sup> – June 7<sup>th</sup>, 2015 as well as placing directional signs at limited locations around Kittery and Kittery Point on Sundays only from June 7<sup>th</sup> – October 4<sup>th</sup>, 2015.

**COUNCILOR SPILLER MOVED TO AUTHORIZE THE KITTERY COMMUNITY MARKET TO HANG TWO BANNERS (1) AT POST OFFICE SQUARE FROM MAY 28<sup>TH</sup> – OCTOBER 8<sup>TH</sup>, 2015 AND (1) OVER ROGERS ROAD, IN FRONT OF THE KITTERY COMMUNITY CENTER FROM MAY 18<sup>TH</sup> – JUNE 7<sup>TH</sup>, 2015 AS WELL AS PLACING DIRECTIONAL SIGNS AT LIMITED LOCATIONS AROUND KITTERY AND KITTERY POINT ON SUNDAYS ONLY FROM JUNE 7<sup>TH</sup> – OCTOBER 4<sup>TH</sup>, 2015, SECONDED BY COUNCILOR WHITE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

h. (040315-11) The Kittery Town Council moves to approve \$300 to be spent from the Connie Samuels Beautification Fund to purchase plants to be installed at Howell's Park, Traip Academy, Town Hall, the Naval Museum and Inspiration Park by the Garden Club.

**COUNCILOR PELLETIER MOVED TO APPROVE \$300 TO BE SPENT FROM THE CONNIE SAMUELS BEAUTIFICATION FUND TO PURCHASE PLANTS TO BE INSTALLED AT HOWELL'S PARK, TRAIPI ACADEMY, TOWN HALL, THE NAVAL MUSEUM AND INSPIRATION PARK BY THE GARDEN CLUB, SECONDED BY COUNCILOR SPILLER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.**

UNAPPROVED MINUTES

i. (040315-12) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden and the opening of the polls at 8:00 A.M. and the closing at 8:00 P.M. for the June 9, 2015 Special Municipal Referendum, Town Meeting and School Budget Validation Referendum Elections as recommended by the Town Clerk.

**COUNCILOR SPILLER MOVED TO APPOINT JOYCE TOBEY AS WARDEN AND SANDRA LUTTS AS DEPUTY WARDEN AND THE OPENING OF THE POLLS AT 8:00 A.M. AND THE CLOSING AT 8:00 P.M. FOR THE JUNE 9, 2015 SPECIAL MUNICIPAL REFERENDUM, TOWN MEETING AND SCHOOL BUDGET VALIDATION REFERENDUM ELECTIONS AS RECOMMENDED BY THE TOWN CLERK, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MOTION PASSES 7/0.**

j. (040315-13) The Kittery Town Council moves to sign the warrant for the June 9, 2015, School Budget Referendum Election.

**COUNCILOR PELLETIER MOVED TO SIGN THE WARRANT FOR THE JUNE 9, 2015 SCHOOL BUDGET REFERENDUM ELECTION, SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR. MOTION PASSES 7/0.**

k. (040315-14) The Kittery Town Council moves to sign the warrant for the June 9, 2015 Annual Town Meeting/Secret Ballot Vote.

**COUNCILOR PELLETIER MOVED TO SIGN THE WARRANT FOR THE JUNE 9, 2015 ANNUAL TOWN MEETING/SECRET BALLOT VOTE, SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR. MOTION PASSES 7/0.**

l. (040315-15) The Kittery Town Council moves to sign the warrant for the June 9, 2015 Special Municipal Referendum Election.

**COUNCILOR PELLETIER MOVED TO SIGN THE WARRANT FOR THE JUNE 9, 2015 SPECIAL MUNICIPAL REFERENDUM ELECTION, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MOTION PASSES 7/0.**

m. The Kittery Town Council moves to reconsider the vote taken on April 13, 2015 - The Kittery Town Council moves to authorize the Rice Public Library to use the Fort Foster facility (baseball field) on Friday, June 26, 2015 from 8:00 P.M. to 10 P.M. to show an outdoor movie for the opening celebration of their Summer Reading Program.

**COUNCILOR PELLETIER MOVED TO RECONSIDER THE VOTE TAKEN ON APRIL 13, 2015, SECONDED BY COUNCILOR WHITE.**

UNAPPROVED MINUTES

222           **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**  
223           **OPPOSED. MOTION PASSES 6/1.**

224           Councilor Pelletier noted that there was no expense associated to the Town for this event  
225           and that he supported it.

226           **A ROLL CALL VOTE WAS TAKEN ON THE ORIGINAL MOTION, WITH**  
227           **COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.**

228           14.    COUNCILOR ISSUE OR COMMENT

229           Councilor Denault indicated that he had met with the sailors from the Annapolis and that  
230           they were a great group of people and it was an honor to be hosting them.

231           Councilor Denault stated he had received complaints that trucks were using Rogers Road  
232           Extension to access the Shipyard and asked if they could look into posting “No Truck” signs.  
233           Town Manager Puff responded that they had looked into this issue before and there was nothing  
234           they could do because it was a state road.

235           Councilor Denault noted that the former Boy Scout Meeting would be held on May 27<sup>th</sup>  
236           at the Lions Club.

237           Councilor Denault stated he had seen a noticeable improvement on traffic by the back  
238           gate.

239           Councilor Denault noted he was happy to see the 68 Hours of Hunger donation box in the  
240           lobby and they needed donations.

241           Councilor Denault then listed the people who had passed in the past weeks.

242           Councilor White asked what the status of the Fort Foster pier was. Town Manager Puff  
243           responded they were hoping to re-open it by June 1<sup>st</sup>.

244           Councilor White asked about the status of the Brownfields Grant RFP relative to Wood  
245           Island. Town Manager Puff responded that it had been awarded to Ransom Engineering and  
246           there was a kick-off meeting that Thursday.

247           Councilor White noted that he hoped to see the Planning Board and KPA interviews on  
248           the next agenda.

249           Councilor Lemont noted relative to the EB5 Committee, that he had done some research  
250           into the program and did not like it. He continued that he thought that Council should not take  
251           any position on the matter.

## UNAPPROVED MINUTES

Councilor Lemont stated that the Clam Report was not being written and ensured that it would be done and sent to DMR.

### 15. COMMITTEE AND OTHER REPORTS

#### a. Communications from the Chairperson –

Chairperson Thomson noted there was a Special Meeting the following Monday at 5:45 P.M. followed by a workshop with the Planning Board at 6:00 P.M.

Chairperson Thomson indicated the KCC was hosting their monthly lecture session that Wednesday at 7:00 P.M.

Chairperson Thomson stated that residents could donate to the betterment or beautification of the town to the Kittery Maine Improvement Foundation which was a 501(C). He continued those donations were tax deductible and could be sent to PO Box 360, Kittery, Maine.

#### b. Committee Reports – None

### 16. EXECUTIVE SESSION – None

### 17. ADJOURNMENT

**COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY  
COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:40 P.M.**

**Town of Kittery**  
**Ordinance Approving Additional Local Funds for School Budget**  
**for Fiscal Year 2015-2016**

(Note: If State's EPS Funding model is exceeded, State law requires a separate, recorded vote with a majority of full council in favor)

The Town of Kittery hereby ordains in accordance with the separate approval requirement of Title 20-A, section 15671-A(5)(B) that **\$2,184,332.03** be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$1,923,958.98** as required to fund the budget recommended by the School Committee.

The School Committee recommends **\$2,184,332.03** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$1,923,958.98** :

The **\$1,923,958.98** is needed in order to sustain educational services and programs for all students K-12. These funds support teachers, staff development, guidance counselors, nurses, co-curricular activities, auxiliary personnel and administrators to maintain class sizes and quality of educational services as expected by the town. Additionally the school district actively pursues all available avenues to collaborate and consolidate services in order to offset the escalating costs of utilities, insurance and other fixed costs.

*State Mandated Explanation: The additional local funds are those locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.*

**Town of Kittery**  
**Ordinance Approving School Budget**  
**For Fiscal Year 2015-2016**

The Town of Kittery hereby ordains pursuant to Title 20-A, sections 1485 and 15690, that:

1. The following school budget articles be adopted and approved for fiscal year 2015-2016:

For Regular Instruction	\$ <u>6,145,815.14</u> ;
For Special Education	\$ <u>2,751,900.50</u> ;
For Career and Technical Education	\$ <u>6,380.00</u> ;
For Other Instruction	\$ <u>314,852.54</u> ;
For Student and Staff Support	\$ <u>1,597,277.16</u> ;
For System Administration	\$ <u>520,657.57</u> ;
For School Administration	\$ <u>968,912.65</u> ;
For Transportation and Buses	\$ <u>540,373.19</u> ;
For Facilities Maintenance	\$ <u>1,456,822.47</u> ;
For Debt Service and Other Commitments	\$ <u>1,088,367.51</u> ; and
For All Other Expenditures	\$ <u>70,000.00</u> ;

2. The sum of \$ 11,811,022.19 be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and the sum of \$ 11,124,160.45 be raised as the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

*State Mandated Explanation: The Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the Town must raise in order to receive the full amount of state dollars.*

3. The sum of \$ 746,081.54 be raised and appropriated for the annual payments on debt service previously approved by the Town's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the Town's contribution to the total cost of funding public education from kindergarten to grade 12;

*State Mandated Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the Town's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

4. The School Committee be authorized to expend \$ 15,461,358.73 for the fiscal year beginning July 1, 2015 and ending June 30, 2016 from the Town's contribution to the total cost of funding

public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

5. The School Committee be authorized to expend State, Federal and other grants, aid, donations, gifts and other revenues for the fiscal year July 1, 2015 through June 30, 2016 in addition to the school's general fund operating budget.



**Town of Kittery**  
**Ordinance approving transfer of year-end balances to**  
**Dedicated Accounts**

The Town of Kittery hereby ordains that \$ 352,894 be transferred from the school's audited 2013-2014 fiscal year undesignated general fund balance, and be expended as follows:

\$ <u>          .00</u>	for the School Maintenance Dedicated Account
\$ <u>150,000.00</u>	for the School Special Education Dedicated Account
\$ <u>192,894.00</u>	for the School Unfunded Liabilities Dedicated Account
\$ <u>          .00</u>	for the School Technology Dedicated Account
\$ <u>10,000.00</u>	for the School Co/Extra Curricular Success Dedicated Account

5/61

Deposit  
2063-43660  
needs to  
Cancel

SHARON M McLAUGHLIN  
52 BRAVE BOAT HARBOR RD.  
KITTERY POINT, ME 03905

52-7450/2112

1857

DATE 4-13-15

PAY TO  
THE ORDER OF

Kittery Community Center \$100.00  
One hundred

DOLLARS

Heat  
Reactive  
Ink

Kennebunk Savings

MEMO notation

Sharon McLaughlin MP

12112745021

23 06988211 1857

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

5/11

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

**DEPARTMENT USE ONLY**

**LICENSE NUMBER:**

**CLASS:**

**DEPOSIT DATE**

**AMT. DEPOSITED:**

**BY:**

**CK/MO/CASH:**

**PRESENT LICENSE EXPIRES** 5/1/15

**INDICATE TYPE OF PRIVILEGE:** ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

**INDICATE TYPE OF LICENSE:**

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)</b> <u>Spartan, Inc.</u>			<b>2. Business Name (D/B/A)</b> <u>Angus Noodle Bar</u>		
<b>DOB:</b>			<b>DOB:</b>		
<b>DOB:</b>			<b>DOB:</b>		
<b>Address</b> <u>7 Wallingford St. Unit 102</u>			<b>Location (Street Address)</b> <u>7 Wallingford St. Unit 102</u>		
<b>City/Town</b> <u>Calgary</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03904</u>			<b>City/Town</b> <u>Calgary</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03904</u>		
<b>City/Town</b> <u>Calgary</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03904</u>			<b>City/Town</b> <u>Calgary</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03904</u>		
<b>Telephone Number</b> <u>207-703-4298</u> <b>Fax Number</b>			<b>Business Telephone Number</b> <u>207-703-4298</u> <b>Fax Number</b>		
<b>Federal ID#</b> <u>0016879609</u>			<b>Seller Certificate #</b> <u>1168748</u>		

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_

4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 200,000 LIQUOR \$ 100,000

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: Julia Armstrong, Michael Padden, Gary Scott

8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

9. Business records are located at: 7 Wallingford Sq. Kittery ME 03904

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>Julia Armstrong</u>	<u>9-25-1981</u>	<u>Dover</u>
<u>Gary Kim</u>	<u>6-30-1983</u>	<u>Seoul, Korea</u>
<u>Michael Padden</u>	<u>8-16-1978</u>	<u>Exeter, NH</u>

Residence address on all of the above for previous 5 years (Limit answer to city & state)

See attached

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☒ NO ☐ See attached

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:  
Michael Landgarten - 315 US Route 1 Kittery, ME 03904

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) See attached

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES ☒ NO ☐ Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 40 yds Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐  
If YES, give details: Known Bank - loan - Michael Landgarten - loan - Wallingford Sq. 1k loan

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

GARY SCOTT ADDRESSES

1001 ISLINGTON ST.  
PORTSMOUTH, NH 03801

12 DAME ST. UNIT 4  
KITTERY, ME 03904

32 GOVERNMENT ST  
KITTERY, ME 03904

156B STATE RD.  
KITTERY, ME

MICHAEL PAZDON ADDRESSES

163 Dame Road  
Durham, NH 03824

529 Franklin St  
Apt # 2  
Napa, CA 94559

1123 Mitzi Drive  
Calistoga, CA 94515

JULIAN ARMSTRONG ADDRESSES

30 B GOVERNMENT STREET, KITTERY ME 03904

133 PEPPERRELL RD, KITTERY POINT, ME 03905

1217 OCEAN BLVD. RYE, NH 03870

Explanation of questions 7, 8 & 9 on form 912 for Julian Armstrong :

On Aug 2<sup>nd</sup>, 2005 Julian Armstrong pleaded guilty of 2 misdemeanor chargers at the Rockingham County Community Superior Court for a transgression happening on Sept. 27th 2004.

Theft by unauthorized taking: 12 months sentencing all suspended. Restitution. 100 hours community service.

Criminal Trespassing: 6 months sentencing all suspended. Restitution.

---

Explanation of questions 7, 8 & 9 on form 912 for Gary A. Scott:

May 5<sup>th</sup>, 2000 Gary A. Scott was charged with unlawful possession of tobacco at the age of 17. Restitution.

On September 16<sup>th</sup>, 2006 Gary A. Scott was arrested for driving after revocation and appeared at Portsmouth District Court on October 23<sup>rd</sup>, 2006 and plea guilty. Paid restitution of \$120.

On November 9<sup>th</sup>, 2006 Gary A. Scott was arrested for driving after suspension in Dover and appeared in court on April 3<sup>rd</sup>, 2007. Plead guilty and paid \$600 in restitution with a 30-day suspension of drivers license along with 2 year good behavior probation.

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Michael Jack Pazdon criminal history.

On November 2<sup>nd</sup>, 2011, in the county court of Napa, California, Michael Jack Pazdon plead guilty to one misdemeanor charge of driving under the influence for an incident occurring on August 26<sup>th</sup> of the same year. He was sentenced to 9 days of community service, 9 months of driver education classes, 5 months of limited probation and \$2359.00 in fines, all of which was served/paid.

In July, 2007 (approximate date), Michael Jack Pazdon received a summons to appear in court in Durham, New York, for a charge of Criminal Trespassing. The charges were moved to pre-trial diversion for a period of one year and then dismissed.

In 1998, Michael Jack Pazdon was charged and fined for driving with an expired license in Exeter, New Hampshire.

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STATE OF MAINE  
Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement

For Office Use Only:

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

**Supplemental Information Required for  
Business Entities Who Are Licensees**

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name: Sonnet, Inc.
2. Other business name for your entity (DBA), if any: Auzo Needle Bar
3. Date of filing with the Secretary of State: 5/1/14
4. State in which you are formed: MAINE
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed) See attached

Name	Address for Previous 5 years	Date of Birth	Ownership %
Julan Armstrong		9-25-81	40
K Gary Scott		6-30-83	30
Michael Padden		8/16/1978	30

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

GARY SCOTT ADDRESSES

1001 ISLINGTON ST.  
PORTSMOUTH, NH 03801

12 DAME ST. UNIT 4  
KITTERY, ME 03904

32 GOVERNMENT ST  
KITTERY, ME 03904

156B STATE RD.  
KITTERY, ME

MICHAEL PAZDON ADDRESSES

163 Dame Road  
Durham, NH 03824

529 Franklin St  
Apt # 2  
Napa, CA 94559

1123 Mitzi Drive  
Calistoga, CA 94515

JULIAN ARMSTRONG ADDRESSES

30 B GOVERNMENT STREET, KITTERY ME 03904

133 PEPPERRELL RD, KITTERY POINT, ME 03905

1217 OCEAN BLVD. RYE, NH 03870

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☒ No ☐

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

See Attached

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

Signature:



Signature of Duly Authorized Person

Date

5/2/15

  
Print Name of Duly Authorized Person

---

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement  
8 State House Station  
Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

---

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---

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---

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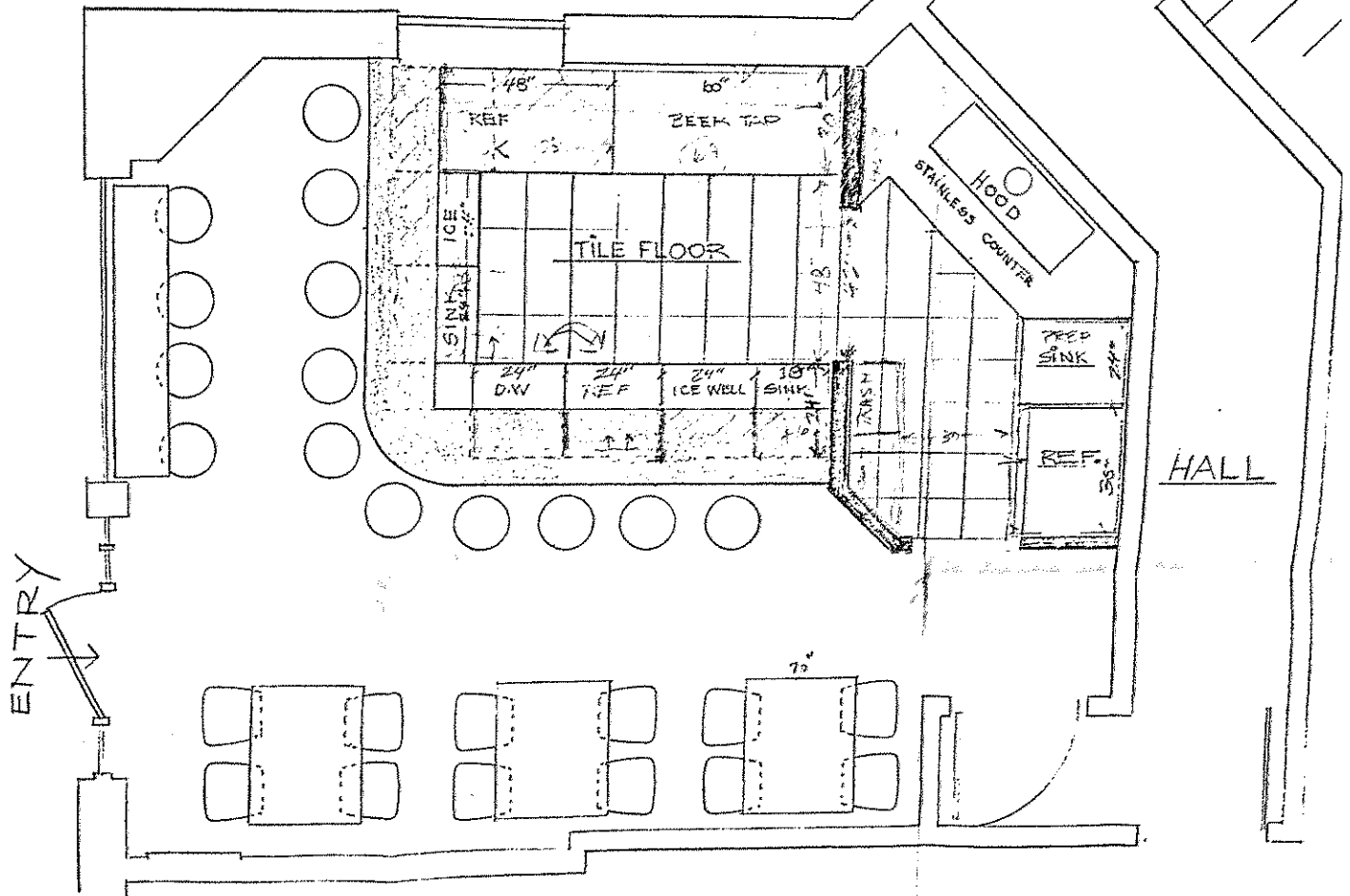
In July, 2007 (approximate date), Michael Jack Pazdon received a summons to appear in court in Durham, New York, for a charge of Criminal Trespassing. The charges were moved to pre-trial diversion for a period of one year and then dismissed.

In 1998, Michael Jack Pazdon was charged and fined for driving with an expired license in Exeter, New Hampshire.

# WALLINGFORD SQUARE

## BAR

21" / 70" long  
option 2



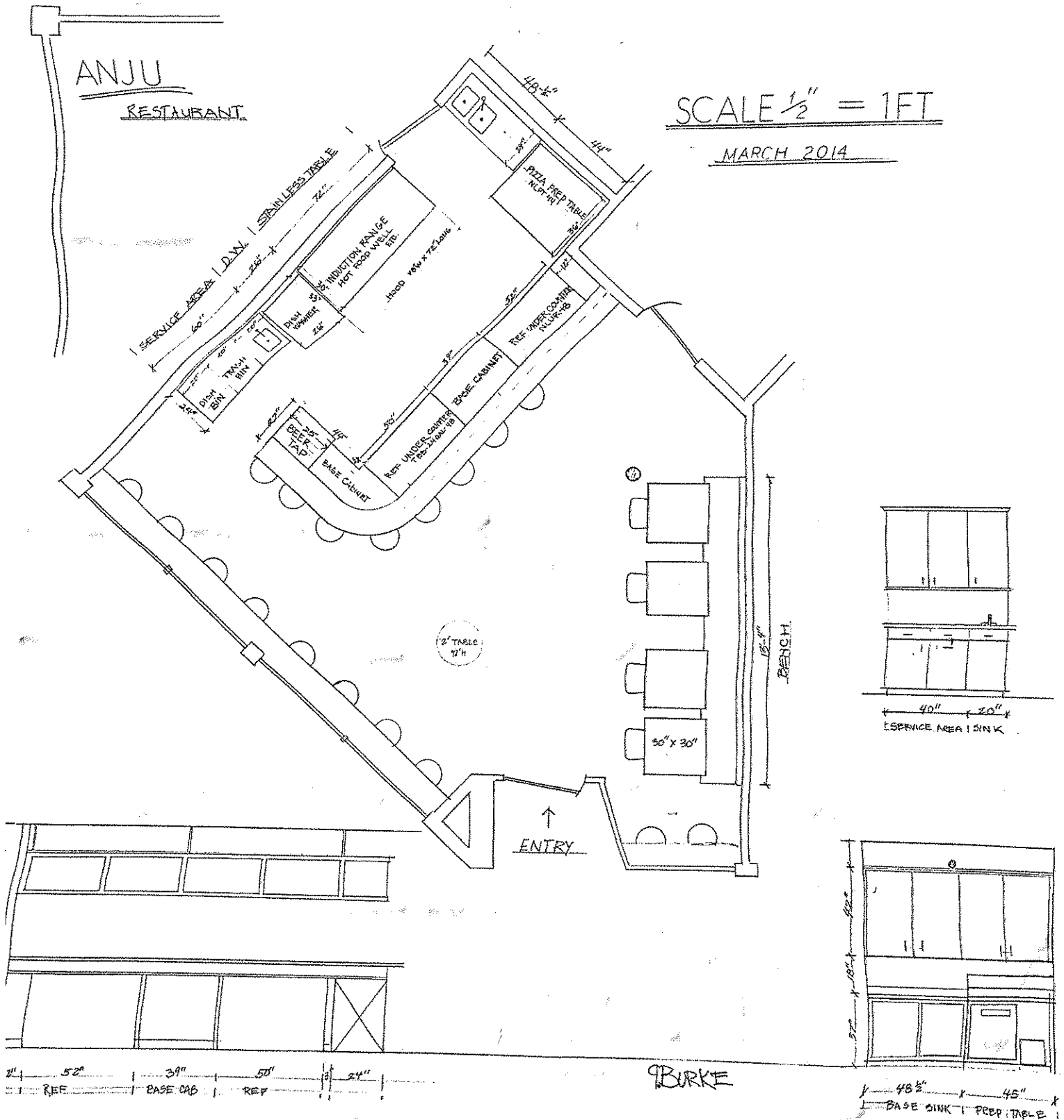
CLASSIC BUILDING & DESIGN CO.  
CRAFTING TIMELESS LIVING SPACES

SCALE  $\frac{1}{2}" = 1\text{FT}$

JANUARY 21

# RESTAURANT

MARCH 2014





STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being:       ف Municipal Officers       ف County Commissioners      of the  
  ف City     ف Town     ف Plantation     ف Unincorporated Place    of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, applicant may request a waiver of the hearing.
  - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
  - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
  - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
  - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
  - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
  - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
  - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
  - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).][1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
  - A. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**
5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

---

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

**Please sign in blue ink**

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

**NOTICE – SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	

**FILING FEE**..... \$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganiz territories shall submit along with their application evidence of payment to the County Treasurer.

5/11

BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 4/30/15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>BADGER'S ISLAND PIZZA LLC</u> DOB: _____		2. Business Name (D/B/A) <u>BADGER'S ISLAND PIZZA</u>	
DOB: _____		<u>3 ISLAND AVE</u>	
DOB: _____		Location (Street Address)	
Address <u>30 REMICKS LANE</u>		City/Town <u>KITTERY</u>	State <u>ME</u> Zip Code <u>03904</u>
City/Town <u>KITTERY</u> State <u>ME</u> Zip Code <u>03904</u>		Mailing Address <u>SAME</u>	
City/Town <u>207-439-4110</u> State _____ Zip Code _____		City/Town <u>207-439-5996</u> State _____ Zip Code _____	
Telephone Number <u>464531902</u> Fax Number _____		Business Telephone Number _____ Fax Number _____	
Federal I.D. # _____		Seller Certificate # <u>1167939</u>	

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_

4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 470,808 LIQUOR \$ 18,192

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: KELIE HUDDLESTON
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_  
 Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: 3 ISLAND AVE KITTERY ME
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
 Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
JOHN W. HUDDLESTON	12/15/59	PALESTINE TX
KATHLEEN HUDDLESTON (LUCAS)	3/12/59	BEVERLY MA
KELIE HUDDLESTON	6/27/88	LUFKIN TX
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
KITTERY ME		

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
 Offense: \_\_\_\_\_ Location: \_\_\_\_\_  
 Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
 Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:  
A+P REALTY TRUST · 15 VAN BUREN AVE · PORTSMOUTH NH 03801

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) PIZZA RESTAURANT  
ON BOTTOM FLOOR OF 3 STORY COMMERCIAL / RESIDENTIAL BUILDING

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
 YES ☒ NO ☐ Applied for: 4/19/15

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .5 MI Which of the above is nearest? CHURCH

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: BANK LOAN / SBA

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."



**State of Maine**  
Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement

**Supplemental Information Required for  
Business Entities Who Are Licensees**

**For Office Use Only:**

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

BADGER'S ISLAND PIZZA, LLC

2. Other business name for your entity (DBA), if any:

BADGER'S ISLAND PIZZA

3. Date of filing with the Secretary of State: JAN. 13, 2014

4. State in which you are formed: MAINE

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
JOHN HUDDLESTON	30 REMICKS LANE KITTERY ME	12/15/59	50
KATHALEEN HUDDLESTON	30 REMICKS LANE KITTERY ME	3/12/59	50

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

\_\_\_\_\_

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**

  
Signature of Duly Authorized Person

4/24/15  
Date

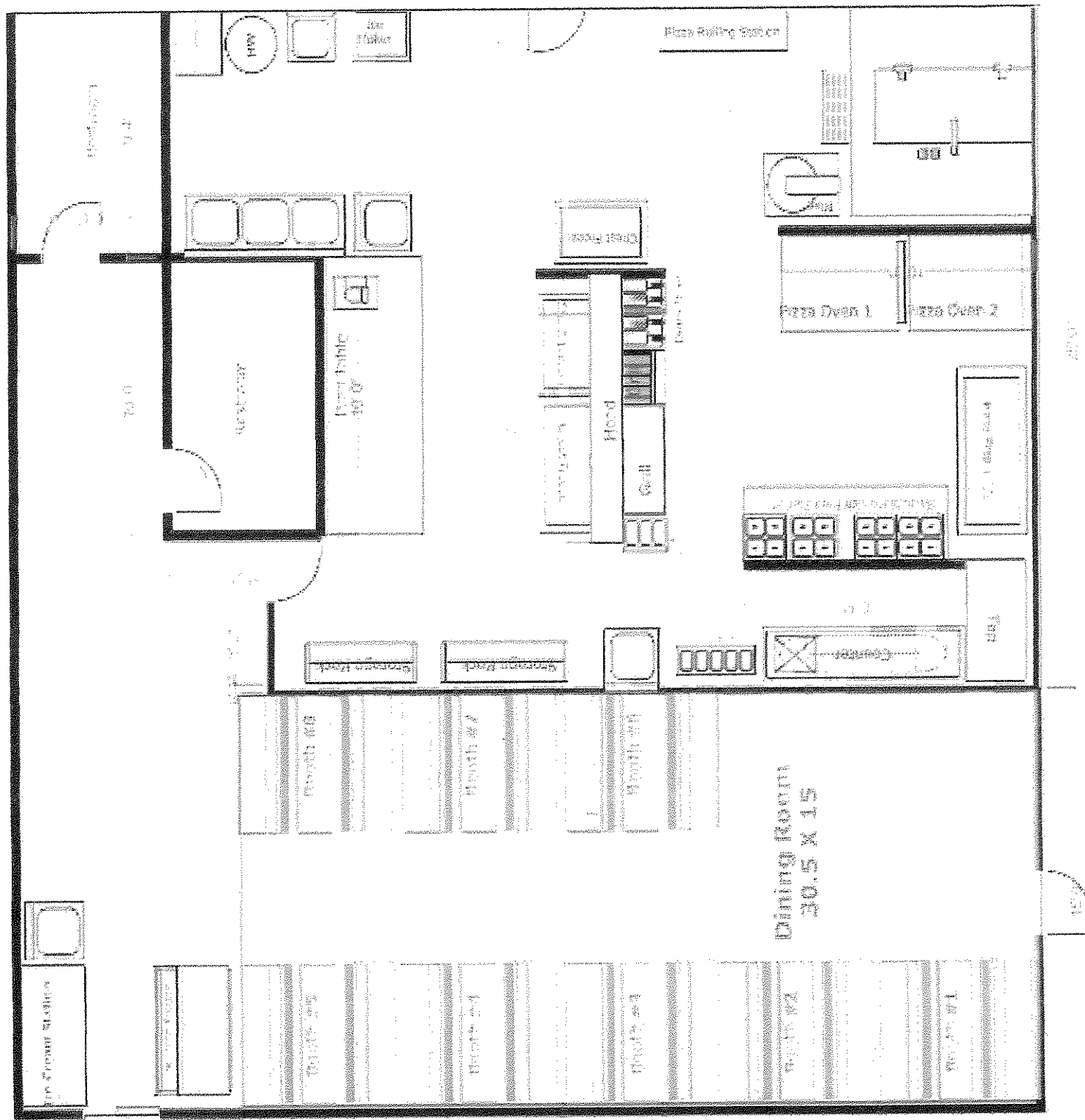
JOHN HUDDLESTON  
Print Name of Duly Authorized Person

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If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement  
8 State House Station Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

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Dated at: KITTERY, ME on 4/27/15, 2015  
Town/City, State Date

[Signature]  
Signature of Applicant or Corporate Officer(s)  
John Huddleston  
Print Name

Please sign in blue ink

[Signature]  
Signature of Applicant or Corporate Officer(s)  
KATHLEEN HUDDLESTON  
Print Name

### NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

### FEE SCHEDULE

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	
<b>FILING FEE</b>	.....	\$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)  
On: \_\_\_\_\_  
Date

The undersigned being:       Municipal Officers       County Commissioners      of the  
  City    Town    Plantation    Unincorporated Place    of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application. [1999, c.589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.
- An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 5/12/15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Stella's Sweet Cafe LLC</u> DOB: _____			2. Business Name (D/B/A) <u>STELLA'S SWEET CAFE</u>		
DOB: _____					
DOB: _____			Location (Street Address) <u>1 Government St Suite 3</u>		
Address <u>21 Chauncy Creek Rd</u>			City/Town <u>R. Hery</u>	State <u>ME</u>	Zip Code <u>03904</u>
			Mailing Address <u>SAME AS ABOVE</u>		
City/Town <u>R. Hery</u>	State <u>ME</u>	Zip Code <u>03905</u>	City/Town	State	Zip Code
Telephone Number <u>207-752-3236</u>	Fax Number		Business Telephone Number <u>207-703-2990</u>	Fax Number	
Federal I.D. # <u>46-5557263</u>			Seller Certificate # <u>14-5804</u>		

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_

4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 5,852 LIQUOR \$ 2,421.00

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: — NO

8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

9. Business records are located at: Location

10. Is/are applicant(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
DIANE WYMAN - Kittery AT ME	6/30/56	Berlin NH
JESSICA Amato York, ME	4/21/92	Lawrence MA
Brandon Medavie Kittery ME	12/19/94	Portsmouth, NH

Residence address on all of the above for previous 5 years (Limit answer to city & state)

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:

Golini Enterprise - 1 Government ST Suite 1 Kittery ME 03901

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Cafe - serving BREAK-FAST, Lunch + Desserts. Open 6 DAY A WEEK 8AM-9PM

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES ☒ NO ☐ Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 MILE Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."



**State of Maine**  
**Bureau of Alcoholic Beverages**  
**Division of Liquor Licensing and Enforcement**

**Supplemental Information Required for  
Business Entities Who Are Licensees**

**For Office Use Only:**

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

Stella's Sweet Cafe, LLC

2. Other business name for your entity (DBA), if any:

\_\_\_\_\_

3. Date of filing with the Secretary of State: 3/20/14

4. State in which you are formed: MAINE

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
DIANE WYMAN	21 Chauncey Creek Rd K. Hery PT ME 03905	6/30/56	100%

7. Is any principal person involved with the entity a law enforcement official?

Yes ☒ No ☒

*error*

8. If Yes to Question 7, please provide the name and law enforcement agency:

\_\_\_\_\_

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

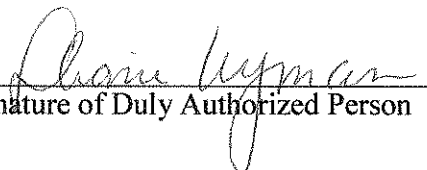
Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**

  
Signature of Duly Authorized Person

5/1/15  
Date

Diane Wyman  
Print Name of Duly Authorized Person

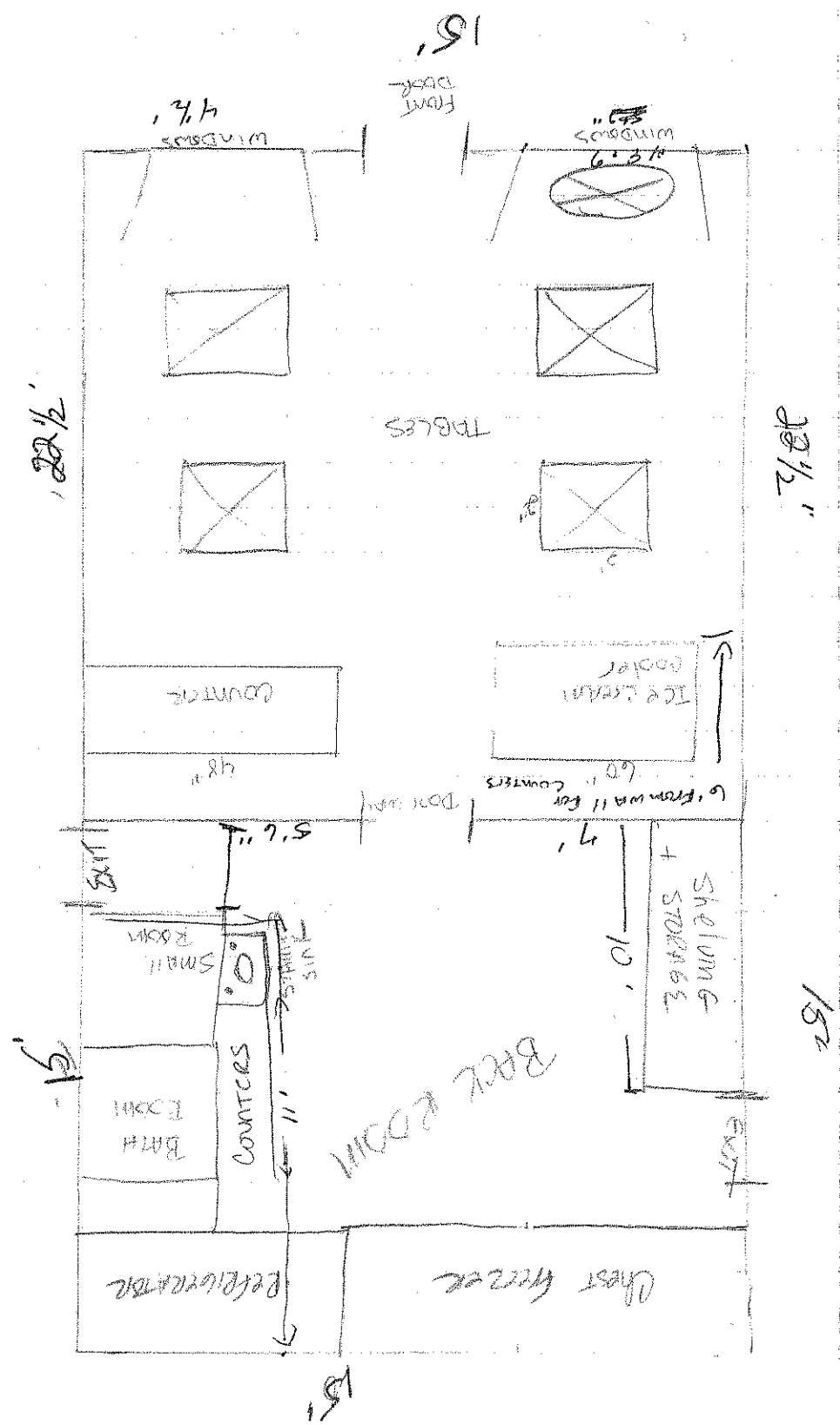
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If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement  
8 State House Station Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

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Government ST  
 Kitchen, ME 03904  
 Floor Plan for  
 "STELLA'S SWEET SHOP"



Dated at: Bittery ME on 4/4, 20 15  
Town/City, State Date

Please sign in blue ink

Diane Wyman  
Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

Diane Wyman  
Print Name

\_\_\_\_\_  
Print Name

### NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

### FEE SCHEDULE

**Class I** Spirituous, Vinous and Malt ..... \$ 900.00  
**CLASS I:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

**Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) ..... \$1,100.00  
**CLASS I-A:** Hotels only that do not serve three meals a day.

**Class II** Spirituous Only ..... \$ 550.00  
**CLASS II:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

**Class III** Vinous Only ..... \$ 220.00  
**CLASS III:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

**Class IV** Malt Liquor Only ..... \$ 220.00  
**CLASS IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

**Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) ..... \$ 495.00  
**CLASS V:** Clubs without catering privileges.

**Class X** Spirituous, Vinous and Malt – Class A Lounge ..... \$2,200.00  
**CLASS X:** Class A Lounge

**Class XI** Spirituous, Vinous and Malt – Restaurant Lounge ..... \$1,500.00  
**CLASS XI:** Restaurant/Lounge; and OTB.

**FILING FEE** ..... \$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.



STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS

City/Town

(County)

On: \_\_\_\_\_  
Date

The undersigned being:       ف Municipal Officers       ف County Commissioners      of the  
ف City     ف Town     ف Plantation     ف Unincorporated Place    of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

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**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

**DEPARTMENT USE ONLY**

**LICENSE NUMBER:**

**CLASS:**

**DEPOSIT DATE**

**AMT. DEPOSITED:**

**BY:**

**CK/MO/CASH:**

**PRESENT LICENSE EXPIRES**

5/30/15

**INDICATE TYPE OF PRIVILEGE:**



**MALT**



**SPIRITUOUS**



**VINOUS**

**INDICATE TYPE OF LICENSE:**

☐ **RESTAURANT (Class I,II,III,IV)**

☐ **HOTEL-OPTINONAL FOOD (Class I-A)**

☐ **CLASS A LOUNGE (Class X)**

☐ **CLUB (Class V)**

☐ **TAVERN (Class IV)**

☒ **RESTAURANT/LOUNGE (Class XI)**

☐ **HOTEL (Class I,II,III,IV)**

☐ **CLUB-ON PREMISE CATERING (Class I)**

☐ **GOLF CLUB (Class I,II,III,IV)**

☐ **OTHER:**

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)</b>		<b>2. Business Name (D/B/A)</b>	
Robert's Maine Grill LLC DOB:		Robert's Maine Grill	
DOB:		326 US Route 1	
DOB:		Location (Street Address)	
Address 326 US Route 1		Kittery ME 03904	
City/Town Kittery ME 03904		City/Town PO Box 630 State ME Zip Code 03904	
Telephone Number 207-439-2733 Fax Number 207-439-2447		Mailing Address Kittery ME 03904	
Federal I.D. #		City/Town 207-439-0300 207-439-2447 State ME Zip Code 03904	
		Business Telephone Number 1087524 Fax Number	
		Seller Certificate #	

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_

4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 3.65m LIQUOR \$ 247,913.50

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: \_\_\_\_\_

8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

9. Business records are located at: 326 US Route 1 Kittery, ME 03904

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Michael Landgarten	9-16-58	Flushing, NY
Desiree Leavitt (Wyman)	8-10-65	Quincy, MA
Mary Pugliese (Cheney)	10-28-68	Richmond, VA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Michael (Kittery Point, ME + Eliot, ME)	Desiree (Stratford, NH)	
Mary (Epping, NH + Hampton, NH)		

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:  
S-D Next Generation Inc. PO Box 630 Kittery, ME 03904

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)  
Full service restaurant with small retail market. Diagram attached.

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES ☒ NO ☐ Applied for: \_\_\_\_\_

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 miles Which of the above is nearest? School + church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Mortgage from Kennebec Savings Bank

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, ME on April 16, 20 15

Town/City, State

Date

Please sign in blue ink

X Michael Landgarten  
Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

X Michael Landgarten  
Print Name

\_\_\_\_\_  
Print Name

### NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

### FEE SCHEDULE

**Class I** Spirituous, Vinous and Malt ..... \$ 900.00  
**CLASS I:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

**Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) ..... \$1,100.00  
**CLASS I-A:** Hotels only that do not serve three meals a day.

**Class II** Spirituous Only ..... \$ 550.00  
**CLASS II:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

**Class III** Vinous Only ..... \$ 220.00  
**CLASS III:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

**Class IV** Malt Liquor Only ..... \$ 220.00  
**CLASS IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

**Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) ..... \$ 495.00  
**CLASS V:** Clubs without catering privileges.

**Class X** Spirituous, Vinous and Malt – Class A Lounge ..... \$2,200.00  
**CLASS X:** Class A Lounge

**Class XI** Spirituous, Vinous and Malt – Restaurant Lounge ..... \$1,500.00  
**CLASS XI:** Restaurant/Lounge; and OTB.

**FILING FEE** ..... \$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

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**State of Maine**  
**Bureau of Alcoholic Beverages**  
**Division of Liquor Licensing and Enforcement**

**Supplemental Information Required for  
Business Entities Who Are Licensees**

**For Office Use Only:**

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

Robert's Maine Grill LLC.

2. Other business name for your entity (DBA), if any:

Robert's Maine Grill

3. Date of filing with the Secretary of State: 11/02/2005

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Michael Landgarten	578 Haley Rd. Kittery Point, ME 26 Worster Rd. Eliot, ME	9/16/58	75%
Mark Fins	47 Old Farm Rd. Newton, MA	6/2/49	20%
Tim Beal	6 Blueberry Ln. Kittery, ME	6/24/75	5%

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐

No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**

X Michael Landgarten  
Signature of Duly Authorized Person

4/16/15  
Date

X Michael Landgarten  
Print Name of Duly Authorized Person

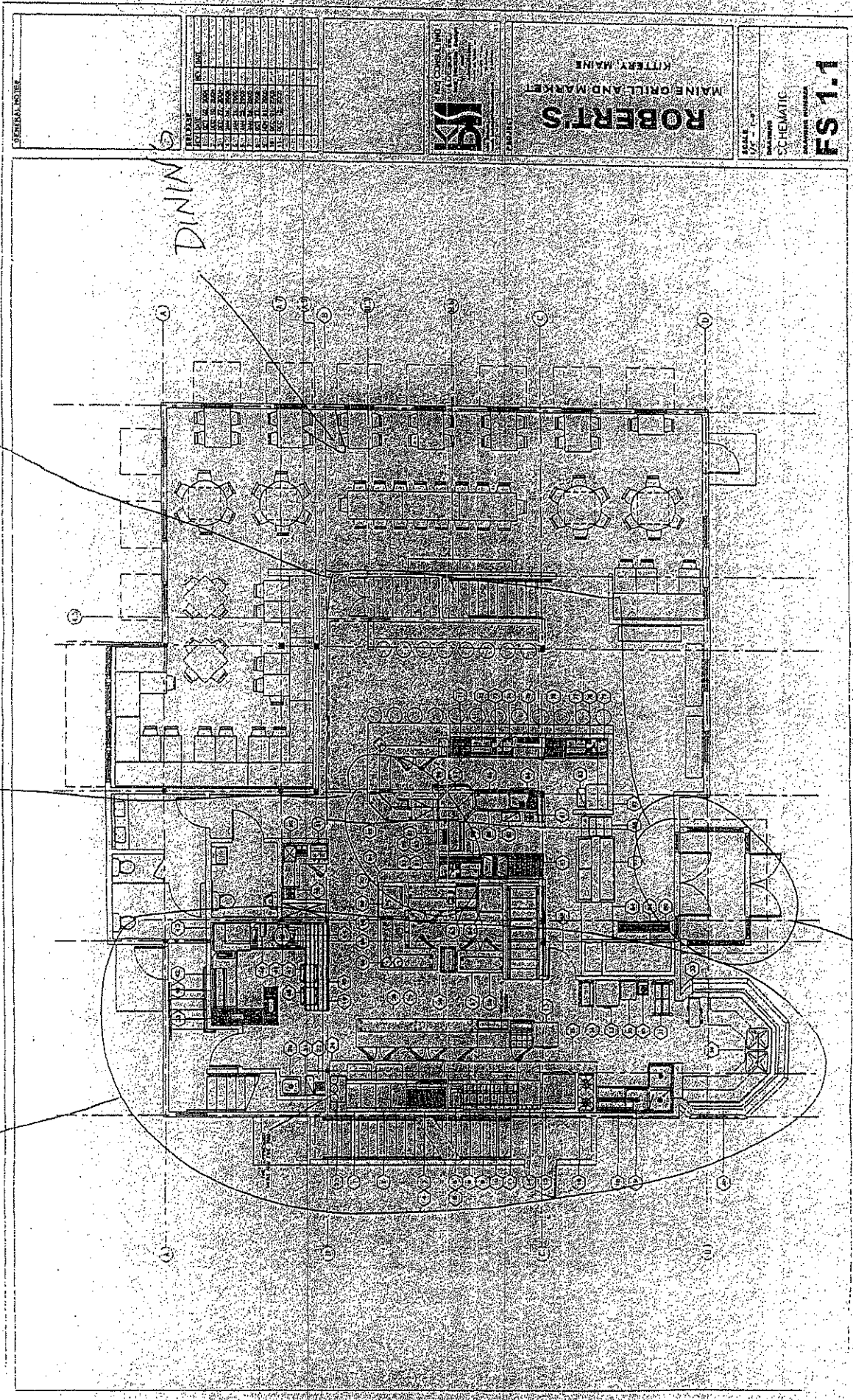
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If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

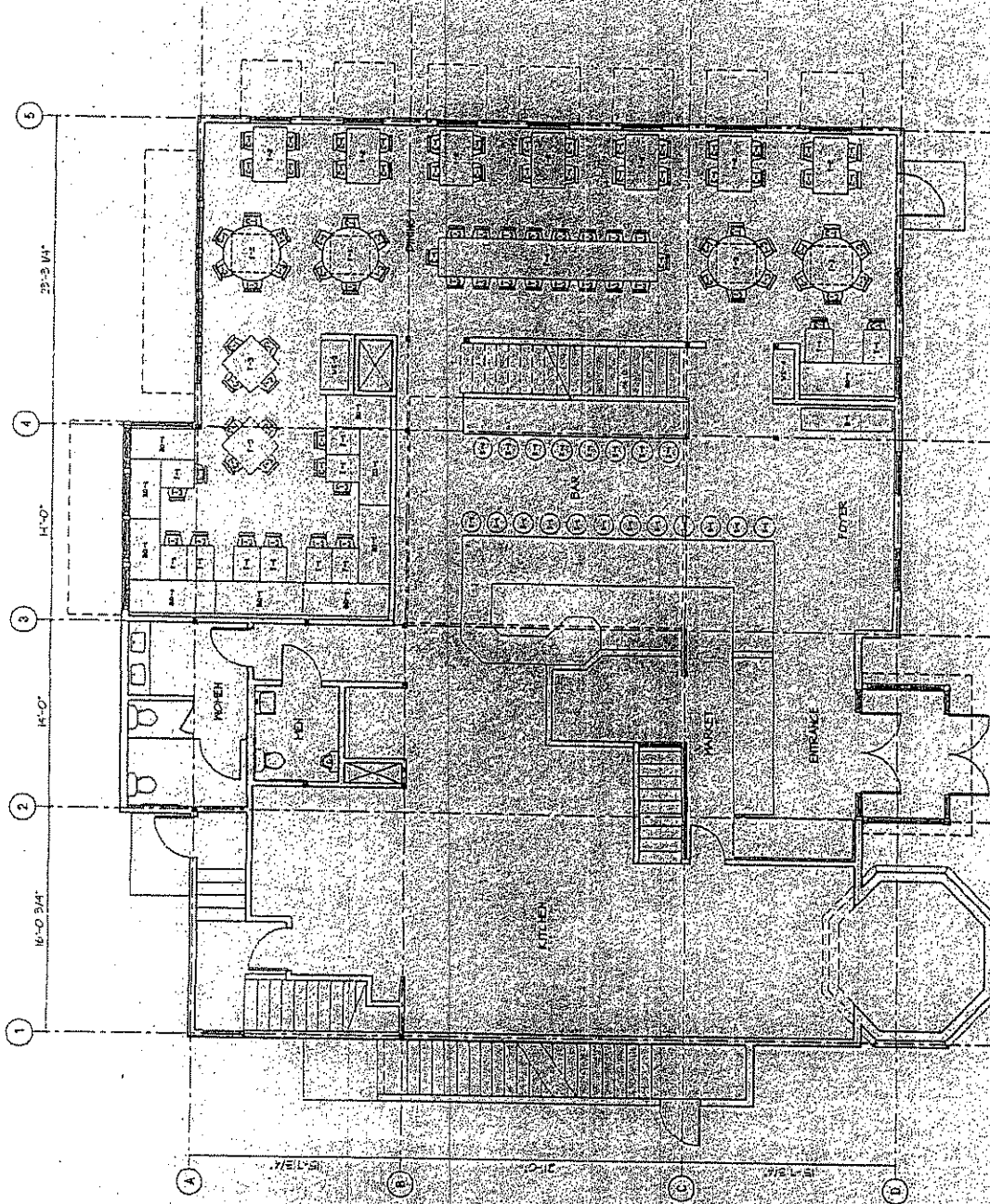
Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement  
8 State House Station Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

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**1 First Floor Plan**  
Scale: 1/8" = 1'-0"

BATTERY SEAFOOD RESTAURANT  
CONCEPT PRESENTATION

First Floor Plan

August 11, 2005

1/8" = 1'-0"

A02

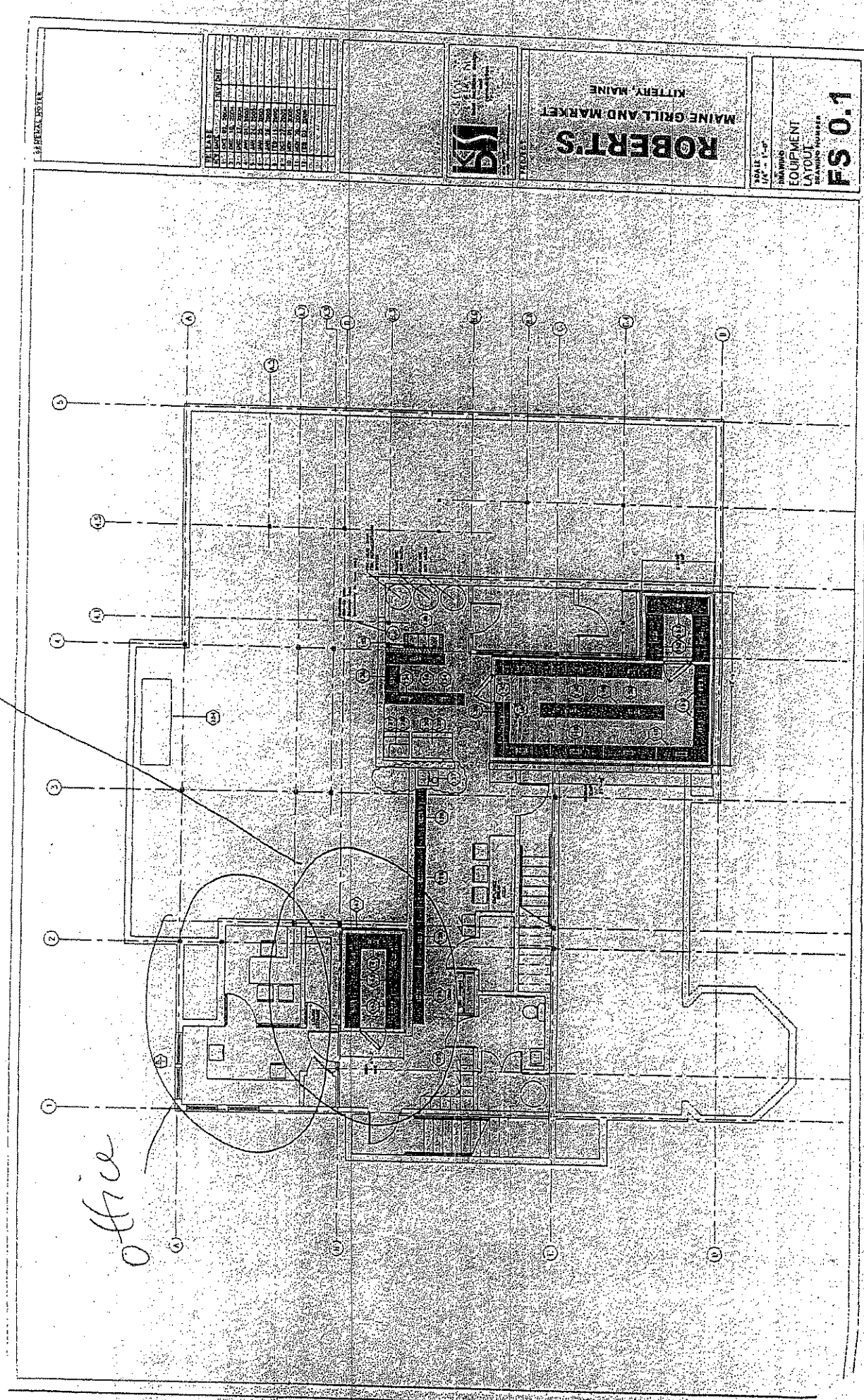


Basement

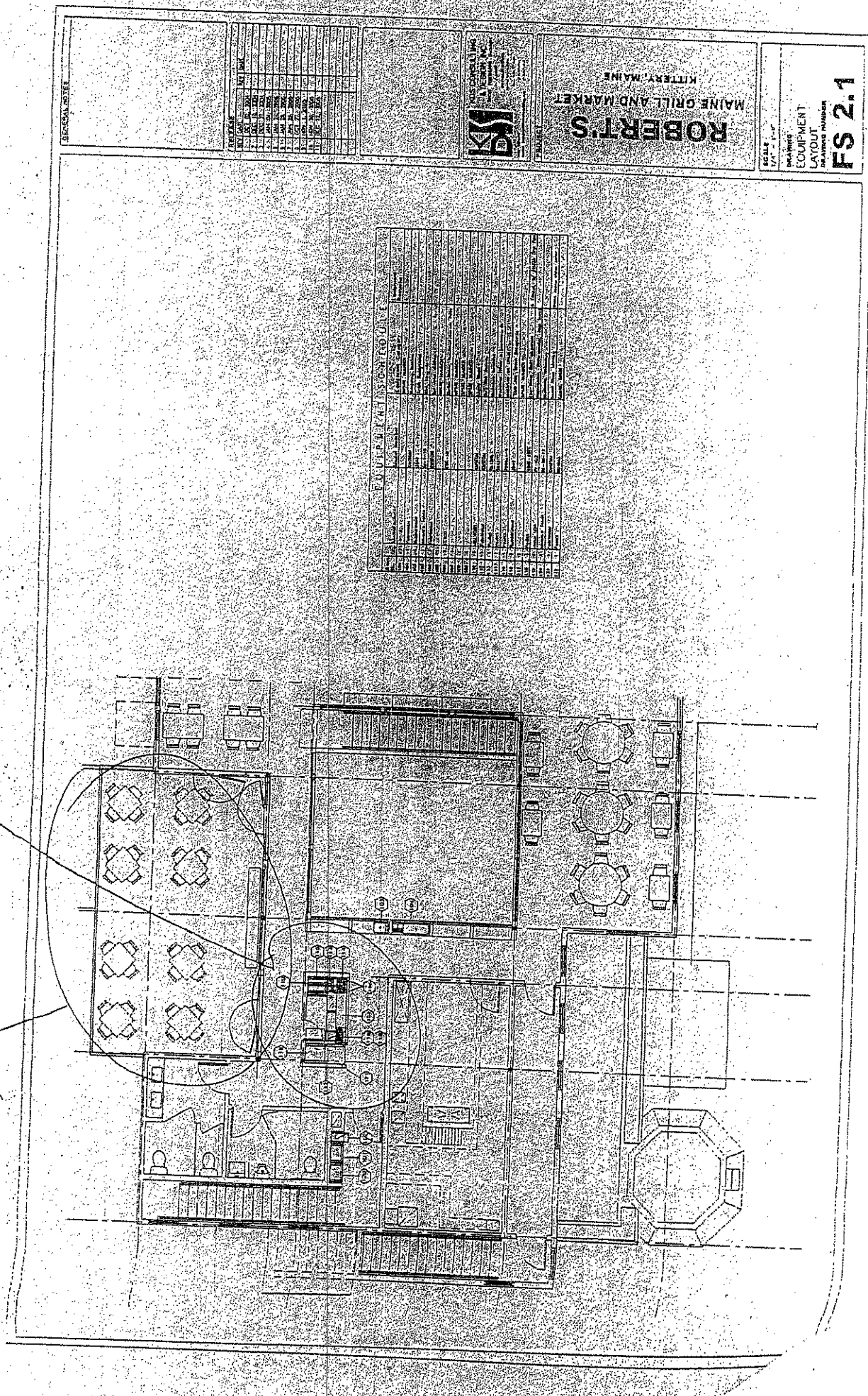
LIQUOR STORAGE CLOSET  
BEER & WINE COOLER

} Both  
} lockable

Office



DECK  
SERVICE BAR



2nd Floor

STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)  
On: \_\_\_\_\_  
Date

The undersigned being:       Municipal Officers       County Commissioners      of the  
  City    Town    Plantation    Unincorporated Place    of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c.45, Pt.A§4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
8 STATE HOUSE STATION  
AUGUSTA, ME 04333-0008



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 7/1/15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
DOB:					
DOB:					
Address			Location (Street Address)		
149 Mendums Landing			11 Water St.		
City/Town			City/Town		
Barrington			Kittery		
State			State		
NH			ME		
Zip Code			Zip Code		
03825			03904		
Telephone Number			Business Telephone Number		
207-439-2058			207-439-2058		
Fax Number			Fax Number		
207-439-8821			207-439-8821		
Federal I.D. #			Seller Certificate #		
01-03982860					

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_

4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ 3,242,744 LIQUOR \$ 392,216

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: Scott D. Cunningham
8. If business is NEW or under new ownership, indicate starting date: n/a  
 Requested inspection date: n/a Business hours: n/a
9. Business records are located at: 11 Water St. Kittery, ME
10. Is/are applicant(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☐ NO ☒

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
 Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Scott D Cunningham	04/22/1942	Connellsville PA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Barrington, New Hampshire		

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
 Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)  
Seafood Restaurant with Multiple Dining Rooms

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
 YES ☒ NO ☐ Applied for: \_\_\_\_\_

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 mile Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Citizens Bank, Portsmouth NH 03801

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."





**State of Maine**  
**Bureau of Alcoholic Beverages**  
**Division of Liquor Licensing and Enforcement**

**Supplemental Information Required for  
Business Entities Who Are Licensees**

**For Office Use Only:**

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

WLH Management Corp.

2. Other business name for your entity (DBA), if any:

Warrens Lobster House

3. Date of filing with the Secretary of State: 06/15/1984

4. State in which you are formed: New Hampshire

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 06/27/1984

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Scott D. Cunningham	Barrington NH		46.4
Candice L. Cunningham	Barrington NH		46.4
Bradley S. Cunningham	Barrington NH		6.0
Colleen V. MacDonald	Eliot ME		1.2

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐

No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

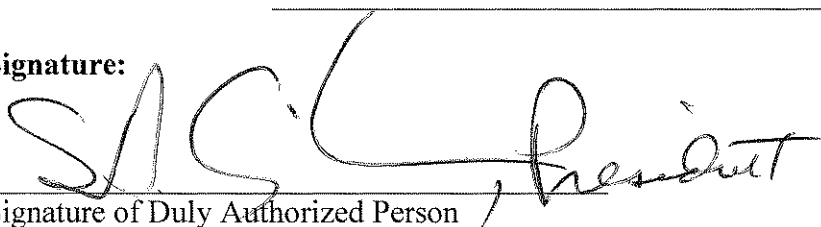
Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

Signature:

 President 4/15/15  
Signature of Duly Authorized Person Date

Scott O. Cunningham, President  
Print Name of Duly Authorized Person

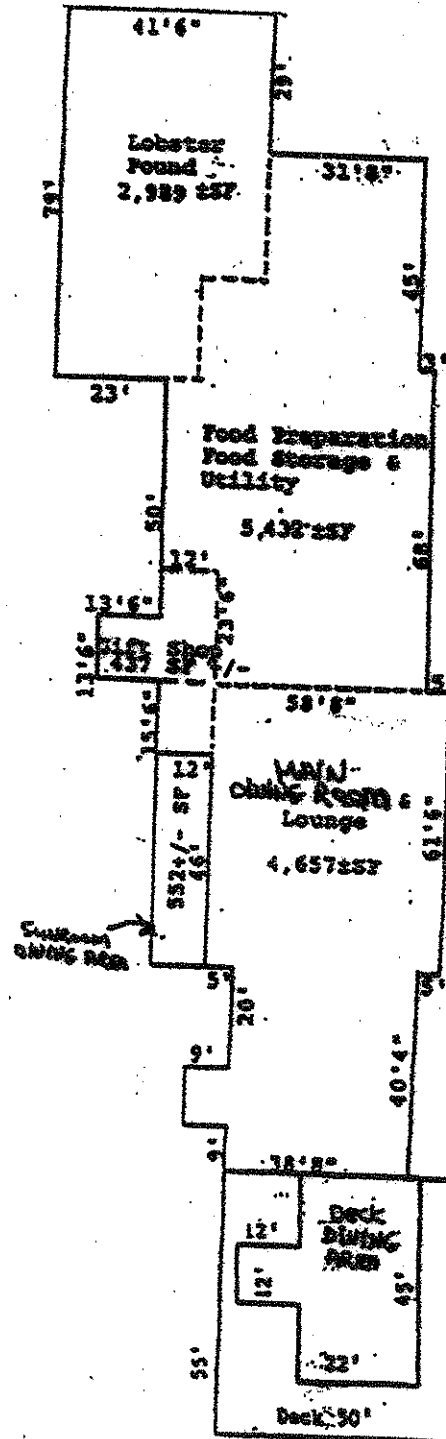
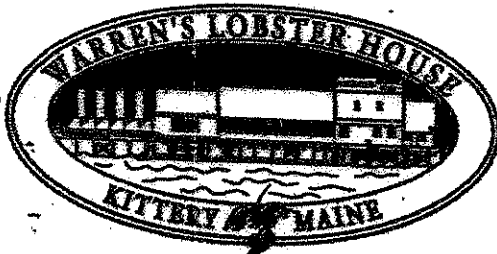
If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To:

Bureau of Alcoholic Beverages and Lottery  
Operations Division of Liquor Licensing Enforcement  
8 State House Station Augusta, Me 04333-0008  
Telephone Inquiries: (207) 624-7220  
Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

PREMISE DIAGRAM

Warren's Lobster House  
11 Water Street  
Kittery ME 03904  
(207) 439-1630  
(207) 439-2058  
FAX (207) 439-8821



Dated at: Kittery ME Town/City, State

on April 15, 20 15 Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

### NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

### FEE SCHEDULE

**Class I** Spirituous, Vinous and Malt ..... \$ 900.00 ✓  
**CLASS I:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

**Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) ..... \$1,100.00  
**CLASS I-A:** Hotels only that do not serve three meals a day.

**Class II** Spirituous Only ..... \$ 550.00  
**CLASS II:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

**Class III** Vinous Only ..... \$ 220.00  
**CLASS III:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

**Class IV** Malt Liquor Only ..... \$ 220.00  
**CLASS IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

**Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) ..... \$ 495.00  
**CLASS V:** Clubs without catering privileges.

**Class X** Spirituous, Vinous and Malt – Class A Lounge ..... \$2,200.00  
**CLASS X:** Class A Lounge

**Class XI** Spirituous, Vinous and Malt – Restaurant Lounge ..... \$1,500.00  
**CLASS XI:** Restaurant/Lounge; and OTB.

**FILING FEE** ..... \$ 10.00 ✓

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

---

STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ ss  
City/Town (County)  
On: \_\_\_\_\_  
Date

The undersigned being:       Municipal Officers       County Commissioners      of the  
  City    Town    Plantation    Unincorporated Place    of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
  - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
  - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
  - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of the application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
  - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
  - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
  - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
  - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
  - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Department of Public Safety  
Division

Liquor Licensing & Inspection

100-4-21-05

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.



**BUREAU USE ONLY**

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES 06-23-15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)				2. Business Name (D/B/A)			
DOB:							
DOB:				DOB:			
DOB:				DOB:			
Address				Location (Street Address)			
31 Badgers Island West				31 Badgers Island West			
City/Town State Zip Code				City/Town State Zip Code			
Kittery ME 03904				Kittery ME 03904			
Mailing Address				Mailing Address			
SAME				SAME			
City/Town State Zip Code				City/Town State Zip Code			
Kittery ME 03904				Kittery ME 03904			
Telephone Number Fax Number				Business Telephone Number Fax Number			
207-439-0335 207-439-7754				SAME			
Federal I.D. #				Seller Certificate #			
521153451				R270889			

3. If premises are a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 237,632 LIQUOR \$ 131,431
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: Sean Metton

8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

9. Business records are located at: 31 Badgers Island West, Kittery ME

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Sean Melton	7-6-71	Baton Rouge, LA

Residence address on all of the above for previous 5 years (Limit answer to city & state)

York, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Gagner Family Ltd Partnership, 31 Badgers LSL West, Kittery, ME

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)  
a seasonal waterfront restaurant

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES ☒ NO ☐ Applied for: \_\_\_\_\_

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .5 mi Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: TD Bank mortgage on this and several other properties

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, ME on 4/13, 2015

Town/City, State

Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

TERRY GAGNER



STATE OF MAINE  
Liquor Licensing & Inspection Unit  
164 State House Station  
Augusta, Maine 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND  
LIMITED PARTNERSHIPS

1. Exact Corporate Name: WestPacane Sea Foods  
Business D/B/A Name: Same  
2. Date of Incorporation: July 11, 1979  
3. State in which you are incorporated: Maine  
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:  
\_\_\_\_\_  
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Terry Gagner	7, Lehighwick Dr	5-3-53	74.25	Owner/Pres
Janet Gagner	Vitery Pt, Me 03905			
	" "	3-18-56	25.77	Treasurer
William Kurkul	5 Golden Oaks Ln	7-1-53	.004	CFO
	Andover, Ma 01810			

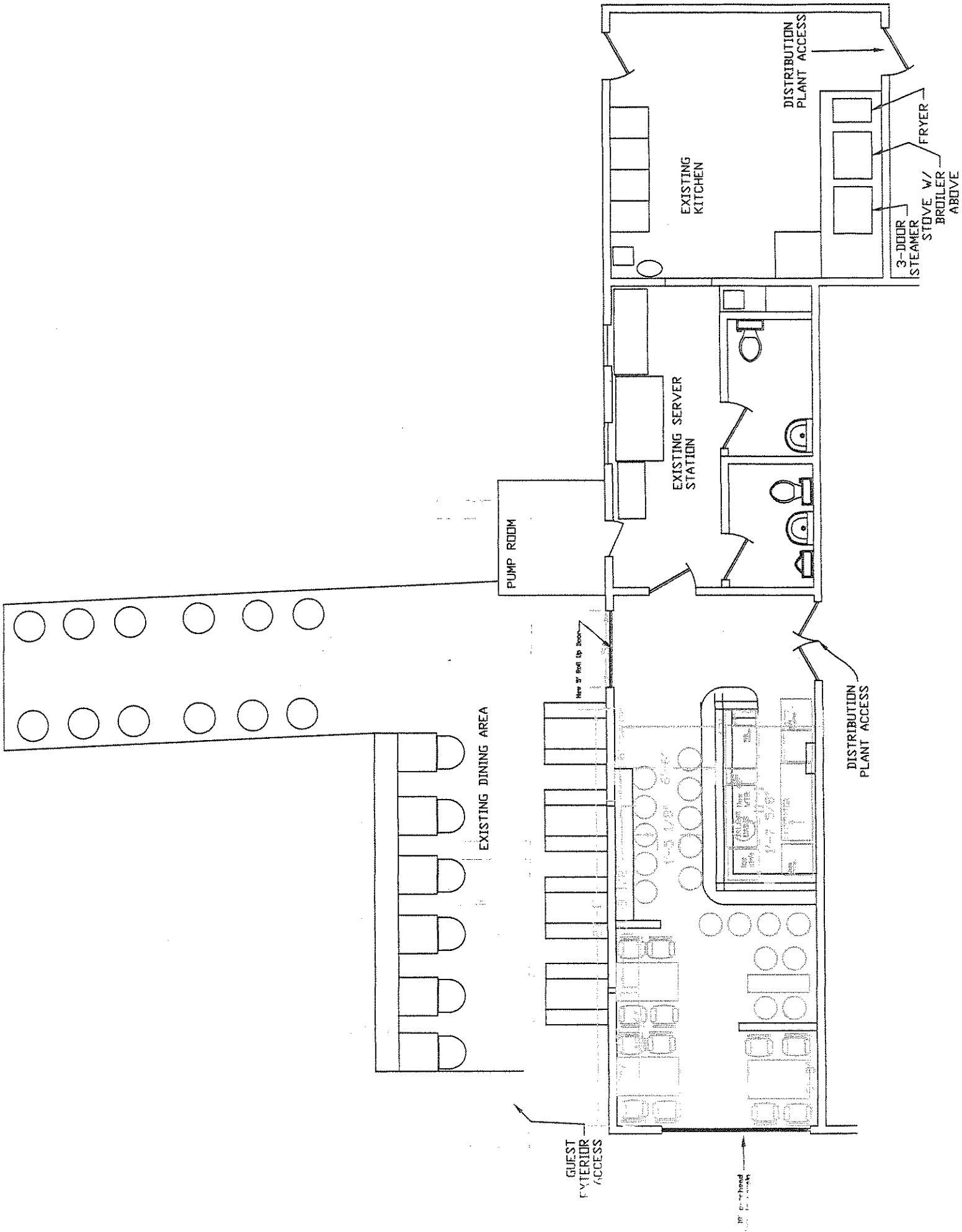
6. What is the amount of authorized stock? 6000 Outstanding Stock? 5004  
7. Is any principal officer of the corporation a law enforcement official? ( ) YES (X) NO  
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES (X) NO.  
9. If yes, please complete the following: Name: \_\_\_\_\_

Date of  
Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_  
Location: \_\_\_\_\_ Disposition: \_\_\_\_\_  
Dated at: \_\_\_\_\_ City/Town On: \_\_\_\_\_ Date

Signature of Duly Authorized Officer

Date: 4/13/15

TERRY GAGNER  
Print Name of Duly Authorized Officer



STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)  
On: \_\_\_\_\_  
Date

The undersigned being:      ✎ Municipal Officers      ✎ County Commissioners      of the  
✎ City   ✎ Town   ✎ Plantation   ✎ Unincorporated Place   of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



200 Rogers Road, Kittery, ME 03904  
207-439-3800 • Fax: 207-439-1780

Recreation Director/GM     Janice Grady  
Assistant Director         Jeremy Paul

To:             Nancy Colbert Puff, Town Manager  
                  Kittery Town Council Chairman Jeff Thomson  
                  Kittery Town Councilors  
From:          Janice Grady, Director/GM  
Re:             Kittery Block Party Sign Permit Request  
Date:          May 5, 2015

The 2015 Kittery Block Party is scheduled for Saturday, June 20<sup>th</sup>.

The Kittery Block Party Committee is requesting authorization from Council to place a banner across Rogers Road in front of the Kittery Community Center for the Kittery Block Party from June 8<sup>th</sup> to June 22<sup>nd</sup>, 2015.

The Kittery Block Party is a celebration of local art, culture and food that fosters lasting relationships and strengthens community in a fun neighborhood atmosphere enjoyable to all ages. The Kittery Block Party will feature artisans, artists, non-profits, area farmers, and restaurants – with an emphasis on “local” – as well as other community involvement. There will be a children’s area, live entertainment throughout the day, demonstrations and educational exhibits. This event is sure to entice, educate, and entertain all ages. KBP is a rain or shine event, and there is no admission fee. This year’s event also includes a 5K Road Race to begin at 5:00pm.

Vendor booths will be set up in well-known downtown Kittery. This easily navigable neighborhood will host booths and entertainment from Government Street through Wallingford Square and up Walker and Wentworth Streets. The Block Party’s main venue is compact and walkable, making everything easily accessible from the centrally located main stage area on the corner of Walker Street and Government Street.

KITTERY/ELIOT MEMORIAL POST 9394  
of the  
VETERANS OF FOREIGN WARS

17 April 2015

Kittery Town Council  
% Nancy Colbert Puff, Town Manager  
200 Rogers Road  
Kittery, Me. 03904

Dear Council members:

The officers and members of Kittery/Eliot Memorial Post 9394 formally request your permission to hold our Memorial Day parade and ceremonies on 23 May 2015.

We will step off at 0900 hours from Walker Street, turn left onto Wentworth Street, right onto Whipple Road, left onto Shapleigh Road, passed the reviewing stand in front of Ace Hardware and onto Orchard Grove cemetery for our final ceremonies.

At this time we invite all town officials to join us either on the reviewing stand or on Walker St. no later then 0845 hours.

Please call if you have any questions.

Sincerely,

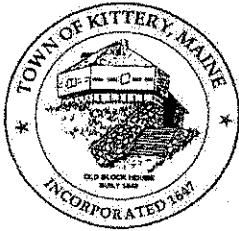


Allen Carter, Quartermaster

22 Fall Mill Rd.

York, Me. 03909

363-3215



**TOWN OF KITTERY**  
200 Rogers Road, Kittery, ME 03904  
Telephone: 207-475-1329 Fax: 207-439-6806

**Town Council Resolution**

WHEREAS Chapter 16.5 Building/Regulated Activity Permits Section 16.5.4.2 states that "Expired permits may be renewed upon application and payment of a renewal fee;" and

WHEREAS Appendix A Schedule 16 omits reference to a "renewal fee"; and

WHEREAS the Town's Planning Department staff will prepare a code amendment for the Planning Board's and Town Council's consideration to address this omission; and

WHEREAS Daniel Poulin, owner of 14 Jewett Lane, made the Town aware of this omission but has paid a new permit fee twice to begin construction of his single-family home after his permit had expired without action; NOW THEREFORE,

The Town Council resolves to instruct the Town Manager to refund all but administrative charges (\$25) associated with Mr. Poulin's second permit, and to advise the Planning and Code Enforcement Departments to charge \$25 in the future for similarly-situated applicants until a code amendment is adopted.

Dated at Kittery, Maine the 11<sup>th</sup> day of May, 2015

\_\_\_\_\_  
Jeffrey Thomson, Chair

\_\_\_\_\_  
Kenneth Lemont

\_\_\_\_\_  
Russell B. White, Vice Chair

\_\_\_\_\_  
Jeffrey Pelletier

\_\_\_\_\_  
Charles Denault

\_\_\_\_\_  
Judith Spiller

\_\_\_\_\_  
Frank L. Dennett

## **Title 4 BOARDS, COMMISSIONS and COMMITTEES**

### **4.2.3 Procedures.**

To achieve these goals, the following procedures for the selection of Board members are adopted:

- A. A pool of applicants will be maintained by the Town Clerk.
- B. Volunteers must complete an application indicating on which Boards they wish to serve and in which order of preference. Applicants will be listed in order of precedence set by the date-time of receipt of the completed application by the Town Clerk.
- C. A member whose term is expiring is given consideration for reappointment first, subject to term limitations for the position, if any. Alternates or associates on a Board will be given first consideration for appointment when an opening occurs, in order of length of service.
- D. Pool applicants will be polled for interest for an interview when an opening occurs in order of listing precedence. Those refusing may opt to remain on the list and will be placed back on the list as of the date of refusal.
- E. Council may waive the interview requirement for reappointments; alternates applying for full membership; and full members applying for alternate status
- F. With the exception of the Planning Board and Board of Appeals, eligible applicants are interviewed for a specific Board appointment prior to consideration by the full Council..
  - 1. The interview is conducted by the Chairperson (or designated permanent member) of the applicable Board and by one Council member designated by the Council. Councilor interviewing assignments are rotated so that no one Councilor would be involved in successive interviews for the same Board.  
In event neither the Board Chairperson nor designated permanent member is available, the sitting Council may determine an alternate interview protocol.
  - 2. Interviews are considered private.
  - 3. Only one interview is conducted with each applicant for each position.
  - 4. Both interviewers must agree to the acceptability of the candidate in order for that candidate's name to be considered by the full Council.
  - 5. Applicants not recommended to the Council may opt to remain on the list(s) if they so desire.
- G. The following criteria are used in evaluating candidates:
  - 1. Education
  - 2. Training and experience
  - 3. Related experiences
  - 4. Any potential for conflict of interest



**CONTRACT MEMBER MUNICIPALITY**  
**WASTE HANDLING AGREEMENT**

This Agreement, dated as of \_\_\_\_\_, is entered into by and between **THE TOWN OF Kittery**, a municipality and body corporate existing under the laws of the State of Maine (hereinafter referred to as the "MUNICIPALITY") and **ecomaine**, a Maine non-capital stock nonprofit corporation.

WHEREAS, the MUNICIPALITY is required by Maine law to provide facilities for the safe and efficient disposal of certain solid waste generated within the MUNICIPALITY; and

WHEREAS, it is the policy of the State of Maine to promote and foster resource conservation and resource recovery from solid waste; and

WHEREAS, **ecomaine** is willing and able to operate a solid waste disposal system and to accept and process the MUNICIPALITY'S solid waste upon the terms contained herein.

NOW, THEREFORE, in consideration of the mutual covenants and obligations set forth herein, the parties hereby agree as follows:

**Article I**

**Definitions**

As used in this Agreement the following terms shall have the following meanings:

A. Acceptable Waste means that portion of Solid Waste, including Recyclable Materials, within the boundaries of the Municipality characteristic of that collected and/or disposed of as part of normal municipal or ordinary household, institutional, commercial and industrial Solid Waste including, but not limited to, the following:

- (1) Garbage, trash, rubbish, paper and cardboard, plastics and refuse, and processible portions of commercial and industrial Solid Waste, to the extent that **ecomaine** reasonably determines that the air emission criteria and standards applicable to and at the Facility or any Substitute Facility or applicable landfill are not violated, and to the extent that any such Solid Waste is no more than two and one-half (2½) feet in any dimension unless **ecomaine** reasonably determines that



the size and shape of such Solid Waste will not prevent appropriate processing at the Facility; and

(2) Wood and lumber, tree limbs, branches, ties, logs and trees, if no more than two and one-half (2 ½) feet long and four (4) inches in diameter, and leaves, twigs, grass and plant cuttings, provided that the MUNICIPALITY shall not be obligated to deliver or cause to be delivered any items listed in this subpart (2) to the Site, and further provided that such items may be delivered to the Site by or on behalf of the MUNICIPALITY on an irregular basis only, and shall represent an insignificant portion of the total Waste delivered to the Site and shall be subject to reasonable restrictions established by **ecomaine** on amounts and times of delivery.

Notwithstanding any provisions to the contrary, Unacceptable Waste, including Hazardous Waste, shall not be "Acceptable Waste" and is explicitly excluded therefrom. Furthermore, any substances which as of the date of this Agreement are included as "Acceptable Waste", but which are later determined to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction, shall not be "Acceptable Waste" under the terms of this Agreement. However, any substances which as of the date of this Agreement are not included within the definition of "Acceptable Waste" because they are considered harmful, toxic, dangerous or hazardous and which are later determined not to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction, shall be considered "Acceptable Waste" unless a contrary determination has been or is made by any other governmental agency or unit having appropriate jurisdiction or unless such substances are otherwise considered "Unacceptable Waste" or "Hazardous Waste".

B. Agreement means this Agreement, as it may be amended from time to time.

C. Business Day means each Monday, Tuesday, Wednesday, Thursday, Friday and Saturday which is not a holiday as may be designated by **ecomaine**.

D. Delivery Hours means the period of hours on each Business Day set by **ecomaine** during which Acceptable Waste may be delivered to the Site. Delivery Hours may be temporarily suspended or modified by **ecomaine** due to Shutdowns or hazardous conditions or lawful orders to do so, provided, however, that in the event of any suspension in delivery hours, **ecomaine** shall be obligated to use reasonable efforts to obtain a Substitute Facility at which it may Handle Acceptable Waste as soon as reasonably possible in the circumstances.

E. Effective Date means July 1, 2015.

F. Facility means the waste-to-energy plant and the recycling facility (consisting of all buildings, equipment, installations and the like) owned and operated by **ecomaine**, located at the Site.

G. **RESERVED**

H. Handle means to store, transfer, collect, separate, recycle, bale, salvage, process, reduce, recover, incinerate, designate to a Substitute Facility, treat or otherwise dispose of.

I. Hazardous Waste means Waste which by reason of its composition, characteristics or other inherent properties is dangerous to Handle by ordinary means, or which may present a substantial endangerment to health or safety, or which presents a reasonable possibility of adversely affecting the operation of the Facility or the System. "Hazardous Waste" shall also mean Waste which is defined as harmful, toxic, dangerous or hazardous at any time during the term of this Agreement pursuant to (i) the Solid Waste Disposal Act, 42 U.S.C. §§6901 et seq., as amended; and (ii) the Maine Hazardous Waste, Septage and Solid Waste Act, 38 M.R.S.A. §§1301 et seq., as amended; and (iii) any other Federal, State, county or local codes, statutes or laws; and (iv) any regulations, orders or other actions promulgated or taken with respect to the items listed in (i) through (iii) above; provided, however, that any such materials which are later determined not to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction shall not be considered "Hazardous Waste" unless a contrary determination has been or is made by any other governmental agency or unit having appropriate jurisdiction.

J. Municipal Waste means Acceptable Waste, excluding Recyclable Materials, for which Tipping Fees are paid by the MUNICIPALITY and which (i) was delivered to the MUNICIPALITY'S transfer station or (ii) was otherwise collected by or on behalf of the MUNICIPALITY.

K. Pit means the storage area or areas at the Site from which Acceptable Waste will be extracted for disposal or other Handling.

L. Processed Waste means the Waste that is actually delivered to the Site by or on behalf of the MUNICIPALITY and which is removed from the delivery vehicle or container or which is otherwise accepted for Handling at the Site.

M. Recyclable Materials shall mean solid materials, which are Acceptable Waste and from which resources other than energy may be recovered by **ecomaine** through collection, processing and recovery. The present list of accepted Recyclable Materials is: newsprint, old mail, catalogs, paperback books, magazines, office paper, paperboard, boxes, paper bags, corrugated cardboard, paper egg cartons, milk cartons, juice cartons, all #1 - #7 rigid plastic containers, milk jugs, water jugs, detergent bottles, bleach bottles, clear & colored glass bottles, metal cans, and aluminum. **ecomaine** may, from time to time, add materials to this list.

N. Recycle means to recover, separate, collect and reprocess Recyclable Materials for sale or reuse other than use as a fuel for the generation of heat, steam or electricity.

O. Residue means by-products of the Handling of Processed Waste that are not themselves Hazardous Wastes. Such by-products may include, but are not limited to, ash, process rejects, and unprocessable Wastes.

P. Shutdown means a full or partial cessation of operation of the Facility.

Q. Site means the Facility and ancillary activities located at 64 Blueberry Road, Portland, Maine.

R. Solid Waste means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

S. Substitute Facility means any facility or landfill for disposal of Solid Waste not owned or operated by **ecomaine**, which is used or designated by **ecomaine** to handle any Acceptable Waste of the MUNICIPALITY during periods that the Facility is not in operation. **ecomaine** covenants it shall not divert MUNICIPALITY's Waste to substitute facilities that are not properly licensed to handle and accept such Waste.

T. Tipping Fee means the payments required to be made by the MUNICIPALITY to **ecomaine** pursuant to Article VI hereof.

U. Ton means a quantity of 2,000 pounds.

V. Unacceptable Waste means that portion of Solid Waste which is not Acceptable Waste and includes, but is not limited to, sewage and its derivatives, sludges from air or water pollution control facilities, septic tank sludge, fish processing residuals (including crustacean shells), agricultural wastes, construction and demolition debris, materials which generate objectionable odors, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, Hazardous Waste, Solid Waste which may cause emission limitations to be violated, Solid Waste with heating values determined by **ecomaine** to be extreme, and Solid Waste which is more than two and one-half (2½) feet in any dimension unless deemed by **ecomaine** to be Acceptable Waste.

W. Waste means items, materials or substances delivered to the Site by the MUNICIPALITY, its employees, agents or contractors.

X. Weight Slip means a weight record containing the weight, date, time and vehicle identification of each vehicle entering and exiting the Site.

## Article II

### Representations, Warranties and Covenants

A. **ecomaine** warrants and represents to the MUNICIPALITY the following:

(1) It is a non-capital stock, non-profit corporation duly organized and validly existing under the laws of the State of Maine in good standing, and authorized to do business under the laws of the State of Maine and that it has full power and authority to execute and to enter into this Agreement and is qualified to perform this Agreement in accordance with its terms.

(2) The execution and delivery of this Agreement has been duly authorized by all appropriate actions of **ecomaine** and its Board of Directors, and this Agreement constitutes the legal, valid and binding obligation of **ecomaine** enforceable in accordance with its terms (except as enforceability may be limited by applicable bankruptcy or similar laws affecting creditors' rights, and by application of equitable principles if equitable remedies are sought.)

(3) The execution, delivery and performance of this Agreement will not violate any provision of law, any order of any court or other agency of government, **ecomaine's** by-laws or recording certificate, or any indenture, material agreement or other instrument to which **ecomaine** is now a party or by which it or any of its properties or assets is bound, or be in conflict with, result in a breach of or constitute a default (with due notice or the passage of time or both) under any such indenture, agreement or other instrument, or result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the properties or assets of **ecomaine**.

B. The MUNICIPALITY warrants and represents to **ecomaine** each of the following:

(1) The execution and delivery of this Agreement has been duly authorized by all appropriate actions of its governing body, this Agreement has been executed and delivered by an authorized officer of the MUNICIPALITY, and this Agreement constitutes the legal, valid and binding obligation of the MUNICIPALITY enforceable upon it in accordance with its terms (except as enforceability may be limited by applicable bankruptcy or similar laws affecting creditors' rights, and by application of equitable principles if equitable remedies are sought).

(2) There is no action, suit, proceeding or investigation at law or in equity pending or threatened against the MUNICIPALITY by or before any court or public agency, or to the best of the knowledge of the MUNICIPALITY, any basis therefore, wherein an unfavorable decision, ruling or finding would adversely

affect in any way the validity or enforceability of this Agreement or the transactions contemplated hereby or materially adversely affect the MUNICIPALITY or its financial condition.

(3) The MUNICIPALITY is not party to any agreement (except this Agreement) described in Title 38, Section 1304-B of the Maine Revised Statutes. The MUNICIPALITY is not party to any agreement, indenture, loan or credit agreement or arrangement or any other agreement, resolution, contract, instrument, or subject to any restriction which may reasonably be expected to have any adverse effect on its ability to carry out its obligations under this Agreement or which may reasonably be expected to have a materially adverse effect on its properties, assets, operations or condition, financial or otherwise.

(4) The execution, delivery and performance by the MUNICIPALITY of this Agreement (a) do not and will not violate or conflict with any provisions of the charter of the MUNICIPALITY or any resolution or ordinance of the MUNICIPALITY or any laws of the State of Maine or any other applicable law, regulation, order, writ, judgment or decree of any court, arbitrator, or governmental authority, and (b) do not and will not violate any provision of, constitute a breach or default or constitute an event which with notice and/or the passage of time would constitute a breach or default under the provisions of any indenture, contract, agreement or other undertaking to which the MUNICIPALITY is a party or which purports to be binding on the MUNICIPALITY or on any of its assets.

### **Article III**

#### **Operation of the System**

A. **ecomaine** shall, on and after the Effective Date, except as otherwise expressly provided for herein, operate, maintain and administer the Facility so as to be capable of Handling Municipal Waste and Recyclable Materials.

B. **ecomaine** shall be solely responsible for and exclusively entitled to any Acceptable Waste and Recyclable Materials deposited at the Site and any benefits derived therefrom.

C. **ecomaine** shall be obligated to Handle all Residue generated by the Facility.

### **Article IV**

#### **Delivery Of Waste Materials To The Site**

A. Commencing upon the Effective Date, the MUNICIPALITY will deliver or cause to be delivered to the Site all Municipal Waste. **ecomaine** will Handle as provided herein all Municipal Waste delivered to the Site.

B. Fees. The Tipping Fees for Municipal Waste shall be as set forth in Article VI.

## Article V

### Delivery Procedures And Weighing

A. All deliveries of Acceptable Waste to the Site by or on behalf of the MUNICIPALITY shall be made during Delivery Hours in vehicles which are covered or otherwise secured in a manner to prevent objectionable litter and odor. **ecomaine** may reject any Acceptable Waste delivered at hours other than Delivery Hours. **ecomaine** may also reject delivery of Unacceptable Waste. Except as otherwise provided herein, **ecomaine** shall keep the Site open for receipt of Acceptable Waste and Recyclable Materials during Delivery Hours for all Business Days.

B. **ecomaine** shall maintain weighing facilities at the Site for the purpose of determining the total Tonnage of Acceptable Waste delivered to the Site by or on behalf of the MUNICIPALITY. Each vehicle delivering Waste to the Site shall be weighed in and weighed out, and **ecomaine** shall create and provide to the vehicle a Weight Slip for such Waste. **ecomaine** shall maintain copies of all Weight Slips for a period of at least two years. The MUNICIPALITY shall have the right to inspect and make copies of the Weight Slips upon reasonable advance notice.

C. **ecomaine** shall estimate the quantity of Waste and Acceptable Waste delivered to the Site during any time that all weighing facilities are incapacitated, being tested or are otherwise not available for use, on the basis of vehicle volumes and estimated data obtained from historical information pertinent to the MUNICIPALITY, provided, however, the MUNICIPALITY, at its expense, may have its Waste weighed at an alternative State-certified facility if adequate assurances of accuracy are provided to **ecomaine**. These estimates shall take the place of actual weighing records during such times.

D. Waste which is delivered to the Site and which is not rejected by **ecomaine** as Unacceptable Waste shall be deposited at the Pit. No Waste may be stored outside the Site buildings except during an emergency and then only if applicable environmental, safety and aesthetic requirements are satisfied. Title to and responsibility for all Acceptable Waste shall pass to **ecomaine** when such Acceptable Waste is delivered to the Site.

E. Neither **ecomaine**, nor the MUNICIPALITY shall knowingly permit deliveries by the MUNICIPALITY or its employees, agents or contractors of Hazardous Waste to the Site.

F. The MUNICIPALITY shall pay all costs related to Handling of Unacceptable Waste delivered to the Site by the MUNICIPALITY, its employees, agents, or contractors, provided that the MUNICIPALITY shall not be obligated to pay costs related to the Handling of Unacceptable Waste generated within the MUNICIPALITY but not delivered to the Site by the MUNICIPALITY, its employees, agents or contractors.

## Article VI

### Tipping Fees

A. The MUNICIPALITY agrees to pay **ecomaine** a Tipping Fee for each Ton of Municipal Waste delivered to the Site.

B.. The Tipping Fee for all Municipal Waste delivered to the Site for Handling by **ecomaine**, shall be equal to the sum of Fifty Seven Dollars and Forty-Two Cents (\$57.42) per Ton from the Effective Date until June 30, 2016, at which time and annually thereafter, the sum shall be adjusted by the percentage increase, if any, in the Consumer Price Index for Urban Consumers Northeast Region, Class B (CPI-U, Northeast B) (all items 1982-1984=100) compared to the previous year. Notwithstanding the preceding, no single, annual adjustment will exceed 7% in any one year.

C. **ecomaine** shall provide the MUNICIPALITY with a monthly invoice for all Tipping Fees and any other amounts due from the MUNICIPALITY for Waste deposited at the Site under the terms of this Agreement during the calendar month preceding issuance of the invoice. If requested by the MUNICIPALITY, Weight Slips shall be attached to the invoice for reconciliation purposes. The MUNICIPALITY shall pay the amount set forth in each such invoice on or before fifteen (15) days after issuance of the invoice. If the MUNICIPALITY fails to pay any invoice when due, the MUNICIPALITY shall be obligated to pay such invoice together with a late charge equal to one and one-half percent (1 ½%) per month on the unpaid portion of that invoice.

D. The MUNICIPALITY pledges its full faith and credit for the payment of Tipping Fees, and other payments required of it under this Agreement, and agrees to levy upon and raise from taxable estates within the MUNICIPALITY by general or special tax the amounts required to make such payments, or to raise such amounts by means of a fee, user charge or other cost sharing or assessment mechanism or to borrow such amounts by issuance of general obligation bonds or notes.

## Article VII

### Force Majeure

Provided that each party gives written notice to the other of such event, neither party shall be liable for its failure to perform hereunder if its performance is rendered impossible by any act, event or condition beyond its reasonable control which, by exercise of due diligence, it shall be unable to overcome. Such acts, events or conditions shall include, but not be limited to, the following:

- A. Acts of God, hurricane, tornado, lightning, or earthquake;
- B. Acts of war, civil insurrection or terrorism;
- C. Fire or flood not caused by the party unable to perform; or
- D. Injunctions, or restraining orders, judicial or governmental laws, regulations, requirements, orders, actions, or inaction, including the revocation or suspension, or failure to issue or to obtain or renew any Permit, except where the order, action or inaction is due to the acts or omissions of the party claiming the existence of a force majeure hereunder.

## Article VIII

### Damage, Destruction, Closure

If the Facility or any substantial portion thereof is damaged or destroyed to such an extent that it cannot function, and **ecomaine** shall determine in its sole discretion that restoration, repair or reconstruction is impractical, or if for any other reason **ecomaine** ceases to operate the Facility or if handling of Waste at the Facility is otherwise terminated, **ecomaine** may terminate this Agreement by written notice to the MUNICIPALITY. This Agreement will terminate no less than thirty (30) days after the date of such notice and the parties shall have no further obligations hereunder, except for payment of all amounts then due and owing.

## Article IX

### Term of Agreement

- A. This Agreement shall be effective upon the Effective Date and remain in effect until June 30, 2018, unless sooner terminated pursuant to the terms hereof.
- B. Upon termination of this Agreement or any renewal hereof, by expiration of its term or otherwise, the parties shall have no further obligations hereunder, except for payment of all amounts then due and owing.

## Article X

### Remedies for Nonperformance



A. In the event that the MUNICIPALITY fails to make payment of any amounts due as provided in this Agreement, **ecomaine** may, following thirty (30) days written notice, terminate this Agreement.

B. Unless caused by force majeure as provided in Article VII hereof, in the event that **ecomaine** fails to Handle Acceptable Waste delivered to the Site by or on behalf of the MUNICIPALITY for a period of at least seven (7) consecutive Business Days, the MUNICIPALITY may terminate this Agreement by written notice received by **ecomaine** within seven (7) Business Days of said failure.

C. In addition to any right of termination provided herein, either party may pursue all remedies available to it in law or in equity to collect the payments and other amounts due as provided in this Agreement, or to enforce performance and observance of any obligation, agreement or covenant under this Agreement, and each party shall bear its own costs for the same.

D. In the event any agreement or covenant contained in this Agreement should be breached by one party and thereafter waived by the other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.

## **Article XI**

### **Assignment/Delegation**

A. Except as otherwise permitted in this Article, this Agreement shall not be assigned or delegated by any party without the prior written consent of the other party.

B. **ecomaine** may assign its interest and obligations hereunder to a person, firm or corporation acquiring all or substantially all of the business and assets of **ecomaine** by transfer of assets or otherwise.

C. Anything to the contrary notwithstanding, the MUNICIPALITY consents to **ecomaine** entering into an indenture of trust and/or mortgage and security agreement of the Facility or Site, and/or assignment of this Agreement or the revenues therefrom with a third party trustee for the purposes of obtaining bond financing and into other loan agreements for the purposes of obtaining conventional or bond financing (which may include agreements with Providers of Credit Enhancement in connection with such financing), with the acknowledgement that under such financing agreements **ecomaine** may be required to pledge and assign its rights in and to the Facility, or Site, and its rights under this Agreement to the Trustee or other lender and/or to any Credit Enhancement Providers as security for its debt obligations in event of default.

The MUNICIPALITY consents to the assignment of this Agreement to such parties including the Trustee and any Credit Enhancement Providers (hereinafter collectively called the "Assignee") providing financing or Credit Enhancement for the Facility or Site, or any portions thereof. In the event of any such assignment, and if the documents executed and delivered in connection with any such assignment so require, the following provisions shall apply:

- (1) There shall be no cancellation, surrender, termination, amendment or modification of this Agreement by joint action of **ecomaine** and the MUNICIPALITY without the prior written consent of the Assignee.
- (2) The MUNICIPALITY will mail to each Assignee by certified mail, return receipt requested, at such address as specified by the Assignee, copies of all notices which the MUNICIPALITY may from time to time serve **ecomaine** or any successors, simultaneously therewith.
- (3) In the event that the Assignee gives written notice to the MUNICIPALITY that **ecomaine** is in default under any of the Bonds, or under any agreement with any Credit Enhancement Provider, then the MUNICIPALITY shall make all payments due hereunder directly to the Assignee, and shall deliver Acceptable Waste to the Site as designated thereafter from time to time by the Assignee. Following any such notice of default and unless and until the MUNICIPALITY receives notice from the Assignee to the contrary, the Assignee shall have the right to determine the **ecomaine** budget and to exercise all other rights of **ecomaine** hereunder, and to take such other actions as provided in any agreement between any Assignee and **ecomaine**.
- (4) No waiver by **ecomaine** of any of the obligations of the MUNICIPALITY hereunder and no consent or election made by **ecomaine** or the MUNICIPALITY hereunder and no purported termination of this Agreement by **ecomaine** or the MUNICIPALITY shall be effective against the Assignee without the prior written consent of the Assignee.
- (5) No Assignee shall have any obligation to perform the obligations of **ecomaine** hereunder unless it is in possession or control of the Site (and then only as long as the Assignee is in possession or control of the Site), provided, however, that if the Assignee does not take possession or control of the Site, then **ecomaine** shall continue to have the right to operate the Site (subject to the other terms hereof). The Assignee may, but shall not be obligated to, cure any default of **ecomaine** under this Agreement.

## Article XII

### Non-Discrimination

ecomaine shall be an equal opportunity and affirmative action employer, and it shall not discriminate on the basis of age, race, religion, color, creed, sex, sexual preference, handicap, financial status, or national origin:

- A. In the persons served, or in the manner of service; or
- B. In the hiring, assignment, promotion, salary determination, or other conditions of employment.

### **Article XIII**

#### **Applicable Law**

The laws of the State of Maine shall govern the validity, interpretation, construction and performance hereof.

### **Article XIV**

#### **Amendment Of Agreement**

No amendments to this Agreement may be made except in writing signed by both parties. Should this Agreement be assigned under financing arrangements, if financing documents so require the written consent of such assignee shall also be required before any amendment becomes effective.

### **Article XV**

#### **Severability**

In the event any covenant, condition or provision of this Agreement is held to be invalid or unenforceable by a final judgment of a Court of competent jurisdiction, or by any other tribunal, board or other entity, the decision of which is binding upon the parties and which becomes final, the invalidity or unenforceability thereof shall in no way affect any of the other covenants, conditions or provisions hereof, provided that such remaining covenants, conditions and provisions can thereafter be applicable and effective without materially changing the obligations of either party.

### **Article XVI**

#### **Notices**

All notices herein required or permitted to be given or furnished under this Agreement by either party to the other shall be in writing, and shall be deemed

sufficiently given and served upon the other party if hand delivered or sent by postage prepaid, addressed as follows:

If to **ecomaine**: Kevin Roche, General Manager  
**ecomaine**  
64 Blueberry Road  
Portland, ME 04102

With a copy to: Mark Bower, Esq.  
Jensen Baird Gardner & Henry  
Ten Free Street, P.O. Box 4510  
Portland, ME 04112

If to MUNICIPALITY:

With a copy to: Nancy Colbert Puff  
200 Rogers Rd.  
Kittery, ME 03904

Said notice shall be deemed given when mailed. Each party shall have the right, from time to time to designate a different person and/or address by notice given in conformity with this Article.

## **Article XVII**

### **Binding Effect**

The Agreement shall bind upon and inure to the benefit of the parties hereto and their respective successors and assigns.

## **Article XVIII**

### **Other Documents**

Each party promises and agrees to execute and deliver any instruments and to perform any acts which may be necessary or reasonably required in order to give full effect hereto, including any consent to or acknowledgment of any assignment of this Agreement by **ecomaine** to any Assignee.

## **Article XIX**

### **Headings**

Captions and headings herein are for ease of reference and do not constitute a part of this Agreement, except all definitions, and their terms, in Article I are part of this Agreement.

## Article XX

### Counterparts

This Agreement may be executed in more than one counterpart, each of which shall be deemed an original and all of which together shall constitute the same agreement.

## Article XXI

### Integration

This instrument embodies the whole agreement of the parties, and there are no promises, terms, conditions or obligations other than those contained herein. This Agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

## Article XXII

### Consents

To the extent that the consent of either party to this Agreement is required to any action of the other party pursuant to any provision of this Agreement, such consent will not be unreasonably withheld.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement by their duly authorized officers.

Witnesses:

**ecomaine**

\_\_\_\_\_

By: \_\_\_\_\_  
Its General Manager

**Town of: Kittery**

\_\_\_\_\_

By: \_\_\_\_\_

Its

